

Economic development

HB 1649 Industrial development authorities; attorney fees.

Amends § 15.2-4905 to provide that any written contract of the authority with a private party shall address the issue of whether attorney's fees are recoverable by the prevailing party in the event the contract is litigated. The bill also provides that if an authority has unsuccessfully challenged certain contracts related to easements, the authority shall be prohibited from bringing any further action against the landowner related to such matters.

HB 2027 Economic Development; strategic plan for rural economically distressed areas.

Amends § 2.2-2238.1 to require the Virginia Economic Development Partnership Authority and a number of other state agencies to jointly develop and implement a rural economic development strategic plan for: (i) education and comprehensive workforce development programs, as they may pertain to the Workforce Investment Act; (ii) infrastructure upgrading; (iii) traditional industrial development and industry retention programs; (iv) recreational and cultural enhancement; (v) agribusiness incentives; and (vi) a revolving loan fund or loan guarantee program to help start or expand entrepreneurial activities. SB 893 is identical.

HB 2033 Semiconductor manufacturing performance grants.

Amends §§ 59.1-284.14:1 and 59.1-284.15:1 to update the Semiconductor Memory or Logic Wafer Manufacturing Performance Grant Program to make a qualified manufacturer eligible for total grant payments of up to \$27 million if certain investment and job creation criteria are met. The measure also updates the Semiconductor Memory or Logic Wafer Manufacturing Performance Grant Program II to make a qualified manufacturer eligible for grant payments of (i) \$15 million if \$1.1 billion of new capital investment is made by January 1, 2007, that results in the creation of a new manufacturing module in Henrico County; (ii) \$35 million if an additional 1,000 new full-time jobs are created by January 1, 2008; and (iii) \$5 million if 200 new full-time jobs are created by January 1, 2009.

HB 2041 Neighborhood Assistance Act; extends tax credits.

Amends § 63.2-2006 to increase the maximum tax credit that individuals may receive from \$750 to \$50,000.

HB 2061 Economic Development Revolving Fund; abolished.

Amends § 2.2-2285 and repeals §§ 59.1-284.1 through 59.1-284.6 to eliminate the Virginia Economic Development Revolving Fund and provides for transfer of the Fund's assets and associated records from the Small Business Financing Authority to an eligible qualifying community development financial institution, upon approval by the Secretary of Commerce and Trade. The Secretary of Commerce of Trade must report to the General Assembly by December 1, 2005.

HB 2079 Historic Preservation and Museum Assistance Grant Program and Fund; created.

Amends and adds §§ in Title 10.1 to create the Virginia Historic Preservation and Museum Assistance Grant Program and Fund within the Department of Historic Resources. The source of funding will be from gifts, donations, grants, bequests, and other funds as may be appropriated. The Fund will make grants to nonprofit organizations, localities, business entities, and individuals for the purpose of: (i) acquiring, rehabilitating, restoring, or interpreting historic properties; (ii) financing costs directly related to a rehabilitation or restoration project, which may include studies, surveys, plans and specifications, and architectural, engineering or other special services; or (iii) funding historic preservation education and promotion. If no funds from any source are received in the Fund by July 1, 2007, the provisions of the bill shall expire.

HB 2080 Historic preservation; appropriation of state funds.

Amends § 10.1-2213 to set July 1 of even-numbered years as the cutoff date for requests and completed applications for state aid, or amendments to requests, to be submitted to the Department of Historic Preservation for consideration. This bill adds "interpretation" of sites and facilities as a funding priority along with the maintenance and operation of such sites owned by historical organizations. This bill also establishes new requirements for organizations that apply for state aid.

HB 2158 Wireless Service Authority; allows multiple localities to create.

Amends § 15.2-5431.3 to allow multiple localities to create a wireless service authority.

HB 2455 Baseball Stadium Authority; entitlement to tax revenues.

Amends and adds §§ to Title 15.2 to reinstate Virginia Baseball Stadium Authority that expired on January 1, 2005, and extends it to January 1, 2008. Entitles the Authority, subject to appropriation, to all personal income tax, corporate tax, and pass-through tax revenues collected by the Commonwealth as a result of the existence of a major

league stadium. The locality in which the stadium is located may pledge all BPOL tax revenue generated on the premises of the stadium to the Authority. The Authority cannot issue bonds or lease the stadium to the Commonwealth if either would be considered a debt of the Commonwealth supported by state revenues or a direct or contingent financial obligation of the Commonwealth. The locality may levy an admissions surcharge to be used to reimburse the locality for its expenses in connection with the stadium.

HB 2570 Enterprise zones; regulations.

Amends, adds and repeals §§ in title 59.1, amends §§ in Title 58.1 to establish new processes and procedures for providing grants relative to enterprise zones. The bill's effective date is July 1, 2005, while the current enterprise zone act expires July 1, 2005. SB 983 is identical.

HB 2732 Investment Partnership Act.

Amends and adds §§ in Title 2.2 to authorize the Virginia Economic Development Partnership authority to issue grants and distinguishes between Virginia companies that are located in large metropolitan areas and those located in other areas of the state by establishing different criteria for eligibility. The bill makes certain businesses engaged in conducting research and experimental development eligible for Virginia Investment Performance Grants. Also caps investment performance grants at \$1.5 million for eligible projects.

HB 2800 Authorities for development of former federal areas; exempt from Personnel and Procurement Acts.

Amends and adds §§ in Title 15.2 to provide an alternative method for creating an authority under the Authorities for Development of Former Federal Areas act, with such authority to be created by the City of Hampton rather than the governor, and expands the powers of such authorities. SB 1189 is identical. Emergency.

HB 2925 Virginia National Defense Industrial Authority; created.

Adds §§ 2.2-2328 through 2.2-2335 to establish the Virginia National Defense Industrial Authority to promote efforts in support of the United States government military and national defense activities located in the Commonwealth.

HJ 710 Lee, Robert E; 200th anniv. celebration of his birth.

Establishing a joint subcommittee to plan and coordinate the 200th anniversary celebration of the birth of Robert E. Lee. SJ 382 is identical.

SB 746 Resources Authority; expands projects that can be financed.

Amends §§ 62.1-198 and 62.1-199 to permit Virginia Resources Authority to finance the design and construction of roads, public parking garages and other public transportation facilities and commuter rail.

SB 893 Economic Development; strategic plan for rural economically distressed areas.

See summary for HB 2027, which is identical.

SB 956 Alleghany-Highlands Economic Development Authority; membership.

Amends §§ 15.2-6203 and 15.2-6209 to provide that all appointments to the authority shall be made by the participating local governing bodies and eliminates a mandatory funding component.

SB 983 Enterprise zones; regulations.

See summary for HB 2570, which is identical.

SB 1189 Authorities for development of former federal areas; exempt from Personnel and Procurement Acts.

See summary for HB 2800, which is identical.

SB 1256 Resources Authority; eligible projects include certain construction at federal facilities.

Amends §§ 62.1-198 and 62.1-199 to authorize the Virginia Resources Authority to assist in making financing available at federal government facilities in order to support the location and retention of federal facilities in Virginia and the transition of former federal facilities from use by the federal government to other uses.

SB 1298 Economic Development Partnership Authority; increase of membership.

Amends § 2.2-2235 to increase the membership of the board of directors of the Virginia Economic Development Partnership Authority from 13 to 19 by adding four members appointed by the Speaker of the House of Delegates and two members appointed by the Senate Committee on Rules. These six new members shall reside in regions of the Commonwealth that have a higher unemployment rate than the statewide average for the preceding four years.

SB 1301 Center for Rural Virginia; if dissolved, assets to be distributed.

Amends §§ 2.2-2720 and 2.2-2723 to provide that in the event of the dissolution of the Center, assets shall be distributed for one or more purposes exempt under Section 501(c)(3) of the Internal Revenue Code or shall be distributed to the Commonwealth or a local government for a public purpose. Emergency.

SB 1307 Tourism Authority; to promote historical destinations for 400th anniv. of Jamestown.

Amends § 2.2-2318 to require the Virginia Tourism Authority to develop a comprehensive plan to promote destinations of historical and other significance located throughout the Commonwealth in anticipation of the 400th anniversary of the Jamestown settlement.

SJ 360 Manufacturing; comparative burden of regulatory compliance.

Directing the Joint Legislative and Review Commission to study of the comparative burden of regulatory compliance on Virginia's manufacturing sector. The Commission shall evaluate the total costs on Virginia manufacturers of complying with state and federal regulations; the burden imposed on Virginia manufacturers compared to the burden imposed on other sectors of Virginia's economy; and the burden imposed on Virginia manufacturers compared to the regulatory compliance burdens on manufacturers in other mid-Atlantic and Southern states.

SJ 361 Manufacturing; needs and future thereof, continued.

Continues for one year the joint subcommittee established in 2004 by SJR 64 to study manufacturing needs and the future of manufacturing in Virginia. The joint subcommittee is directed to (i) determine how the manufacturing sector's needs may be addressed quickly, efficiently, and cost-effectively and (ii) consider what role state and local governments should have in this endeavor.

SJ 382 Lee, Robert E.; 200th anniv. celebration of his birth.

See summary for HJ 710, which is identical.

Education

HB 1573 Public schools; student dress codes.

Amends § 22.1-279.6 to direct the Board of Education to include provisions addressing gang-related activity in its model guidelines for codes of student conduct.

HB 1682 War Orphans Education Act; created.

Amends § 23-7.4:1 to add the children of parents who are killed or disabled as a result of service in military operations against terrorism, etc. to the list of children eligible to attend public accredited postsecondary institutions free of tuition, room and board, and required fees. Clarifies that the children of members of the U.S. reserves and the Virginia National Guard Reserve called to active military duty and killed or disabled are also eligible for such benefits. This bill makes the benefits consistent with those afforded eligible children and spouses of persons who are killed in the line of duty while employed or serving as law-enforcement officers, firefighters, correctional officers, local and regional jail farm superintendents, sheriffs, deputy sheriffs, or in emergency medical services. SB 1288 is identical.

HB 1716 Schools; reporting of certain offenses by school authorities.

Amends § 22.1-279.3:1 to provide that principals and division superintendents, in reporting certain serious incidents and crimes for annual recordation and publication by the Department of Education, shall accurately indicate any offenses, arrests, or charges as recorded by law-enforcement authorities and required to be reported by such authorities.

HB 1762 Standards of Quality; changes in provisions.

Amends §§ in Title 22.1 to revise the Standards of Quality to require local school boards to (i) provide for data collection and analysis and to use such results in instructional program evaluation; (ii) implement any actions identified through the academic review of schools accredited with a warning; (iii) analyze and report annually the results of industry certification examinations; (iv) annually review their professional development programs; and (v) report compliance with the Standards of Quality annually to the Board of Education. SB 779 is identical.

HB 1769 Civics Education, Commission on; created, report .

Amends and adds §§ in Title 2.2 to create the 23-member Commission on Civics Education, comprised of the Governor, Lieutenant Governor, legislators, executive branch officials, and citizens. The Commission is to, among other things, identify civic education projects in the Commonwealth.

HB 1789 School boards; transfer of information upon commitment of juvenile.

Amends § 16.1-287 to place upon the Department of Correctional Education the primary duty of transferring academic, and career and technical education and related achievement information to local school boards when children are returned to the community from the Department of Juvenile Justice's care.

HB 1967 School efficiency review programs.

Amends § 2.2-1501 and adds § 2.2-1502.1 to provide for the Director of the Department of Planning and Budget to develop, coordinate and manage a school efficiency review program. The bill requires school divisions to pay 25 percent of the cost of the school efficiency review in the fiscal year immediately following the completion of the final school efficiency review report if at least half the recommendations have not been implemented or at least half of the equivalent savings have not been realized.

HB 2071 Southside Virginia Higher Education Center; created.

Amends §§ 2.2-2101 and adds §§ 23-231.24 through 23-231.29 to continue the Southern Virginia Higher Education Center, previously established as an off-campus center of Longwood University, as an educational institution charged to, among other things, encourage the expansion of higher education and foster partnerships between the public and private sectors to enhance higher education in the region. SB 1293 is identical.

HB 2163 Child abuse or neglect; complaint against school personnel.

Amends § 63.2-1511 to provide that if, after an investigation of a child protective services complaint, the local department of social services determines that the actions or omissions of a teacher, principal, or other person employed by a local school board or employed in a school operated by the Commonwealth were within such employee's scope of employment and were taken in good faith in the course of supervision, care, or discipline of students, then the standard in determining if a report of abuse or neglect is founded is whether such acts or omissions constituted gross negligence or willful misconduct. SB 1243 is identical.

HB 2266 Character education; harassment prevention required.

Amends §§ in Title 22.1 to direct the Board of Education to include bullying in its standards for school board policies on student conduct. HB 2879 is identical.

HB 2382 School division residency; false statements, penalty.

Adds § 22.1-264.1 to create a Class 4 misdemeanor charge for knowingly making a false statement concerning the residency of a child in a particular school division or school attendance zone.

HB 2602 No Child Left Behind Act; Board of Education to seek waiver.

An Act to direct the Board of Education to seek waivers from compliance with provisions of the No Child Left Behind Act that (i) are in conflict with Title IX, Section 9527 (a) of the federal Code, which prohibits federal authorities from mandating, directing, or controlling state or local allocation of resources and from mandating state or local expenditure of funds or incursion of any costs not paid for under the Act; (ii) are duplicative of the Standards of Quality, Standards of Learning, and Standards of Accreditation; or (iii) are lacking in effectiveness. Further, the Board must examine the fiscal and other implications for the Commonwealth and its local governments in the event that Virginia continues its compliance with, or withdraws from participation in, the federal No Child Left Behind Act. The Board must convey its findings from such examination by October 1, 2005. SB 1136 is identical. Emergency.

HB 2879 Character education; harassment prevention required.

See summary for HB 2266, which is identical.

SB 779 Standards of Quality; changes in provisions.

See summary for HB 1762, which is identical.

SB 950 Economics education & financial literacy.

Adds §§ 22.1-200.03 and 23-9.2:3.5 and repeals §§ 22.1-200.02 and 22.1-208.2:3 to require instruction in economics education and financial literacy in public middle and high schools.

SB 969 Entrepreneurship Education Program; created.

Adds § 22.1-208.2:4 to create the Entrepreneurship Education Program, consisting of grants administered by the Board of Education to public secondary schools to support innovative educational programs designed to assist students in the development of their entrepreneurial, academic, and life skills. This act will expire on July 1, 2007, if no gifts, donations, bequests, or other funds effectuating its purposes are received by that date.

SB 981 Schools or day-care centers; noncustodial parent as an emergency contact.

Amends § 22.1-4.3 to provide that, unless a court order has been issued to the contrary, the noncustodial parent of a student enrolled in a public school or day care center must be included, upon the request of such noncustodial parent, as an emergency contact for events occurring during school or day care activities.

SB 1006 Children in foster care; public schools shall provide free education.

Amends and adds §§ in Title 22.1 to require schools to enroll students placed in foster care. The sending and receiving school divisions must cooperate in facilitating the enrollment of the foster child across jurisdictional lines and may agree to allow the child to continue to attend the school in which he was enrolled prior to the most recent foster care placement, if such attendance is in the best interest of the child. If the student is allowed to continue to attend the previous school, the receiving school division will be accorded foster children education payments and may enter into financial arrangements with the sending school division. Local school divisions are required to expedite the transfer of the scholastic record of the student. Social Services agencies are required to notify the principal of the school in which the student is to be enrolled and the school superintendent and to inform the principal of the status of the parental rights. The bill clarifies that no foster child can be charged tuition. However, the provisions relating to immediate enrollment and across jurisdictional placements will only apply to children who are subjects of foster care placements through entrustments or commitments to the local social services board or licensed child-placing agency and will not apply to children whose parents have an agreement with the local board or public agency through the community policy and management team where legal custody remains with the parents. The Superintendent of Public Instruction and the Commissioner of the Department of Social Services are to issue a memorandum to inform local school division superintendents and local social services agencies of the bill's provisions.

SB 1136 No Child Left Behind Act; Board of Education to seek waiver.

See summary for HB 2602, which is identical. Emergency.

SB 1243 Child abuse or neglect; child protective services to investigate complaint against school personnel.

See summary for HB 2163, which is identical.

SB 1288 War Orphans Education Act; created.

See summary for HB 1682, which is identical.

SB 1293 Southside Virginia Higher Education Center.

See summary for HB 2071, which is identical.

Elections & campaign financing

HB 1647 Ballots; color of paper of official sample ballots.

Amends § 24.2-622 to provide that official sample ballots shall be printed on white or yellow paper and that unofficial sample ballots must be printed on a different color paper.

HB 1664 Campaign Finance Disclosure Act.

Amends §§ 24.2-929 and 24.2-930 to increase penalties for violations of Act and requires State Board of Elections, or appropriate local elections official, to report violations to the attorney for the Commonwealth within 90 days of the report deadline.

HB 1840 Officers of elections; prohibition on discrimination, penalty.

Adds § 24.2-118.1 to provide employment protections to officers of election similar to those enjoyed by jurors. The bill also provides that a person who serves for more than four hours as an officer shall not be required to start any work shift beginning after 5:00 p.m. on his day of service or before 3:00 a.m. on the following day. A violation by an employer is punishable as a Class 3 misdemeanor.

HB 1847 Electoral boards and registrars; training programs provided by Board of Elections.

Amends §§ in Title 24.2 to require at least one member of the electoral board and the general registrar or a staff member designated by him to attend annual training programs provided by the State Board of Elections. The bill also provides that the expenses for electoral board attendance at training sessions will be considered part of the expense plan for electoral boards.

HB 1941 Campaign finance disclosure; report of expenditure by candidates for election.

Amends §§ in Title 24.2 to define "candidate" for campaign finance purposes to include persons raising or spending campaign funds to seek office. Also requires that local candidates who raise and spend minimal campaign funds and gain an exemption from reporting requirements file a final report before taking office.

HB 2383 Electoral board members and general registrar staff; costs of defense shall be paid by State.

Amends §§ 2.2-1837 and 24.2-121 to require the Division of Risk Management to select counsel and the Commonwealth to pay the costs and legal fees associated with the defense of electoral board members and general registrar's staff in any legal or equitable action. Under current law, such costs and fees are not supported in actions that do not seek monetary damages. SB 898 is identical.

HB 2412 Voter registration drive; destruction of, failure to mail or del. application.

Amends § 24.2-1002.01 and adds §§ 24.2-416.6 to require the State Board of Elections, local electoral board, and general registrar to provide notice of the penalty (a Class 1 misdemeanor) for destruction of, or failure to mail or deliver, signed voter registration applications in any instructions given for voter registration drives or with distributions of multiple voter registration applications. The bill also makes it a Class 5 felony to solicit multiple registrations from one person or to falsify a registration application. SB 923 is identical.

HB 2540 Campaign finance disclosure; filing of special election reports by incumbents.

Amends § 24.2-918 to provide that candidates, who run in a special election for public office and who have not filed a final report closing their past campaign, are required to file reports on an election year schedule in succeeding election years for the same office. A similar bill passed in 2004 applied to general elections.

HJ 667 Campaign Finance Disclosure Act; clarification & reorganization.

Encouraging the State Board of Elections to review of the Campaign Finance Disclosure Act to determine the need for clarification and reorganization of the law.

SB 898 Electoral board members and general registrar staff; costs of defense shall be paid by State.

See summary for HB 2383, which is identical.

SB 923 Voter registration drive; increases penalty for destruction of, failure to mail or del. application.

See summary for HB 2412, which is identical.

SB 928 Polling places; governmnts. authorized to make donations to non-sectarian organizations.

Amends § 24.2-310 to authorize local governments, local electoral boards, and the State Board of Elections to make monetary grants to non-governmental entities for the purpose of providing accessible polling places.

SB 1080 Campaign finance disclosure; special reports of contributions.

Amends §§ 24.2-919.1 and 24.2-929 to require the reporting of any single contribution of \$500 or more made to a governing body member in a non-election year to be filed with the local electoral board by the end of the fifteenth business day, rather than the fifth business day, after receipt, and eliminates provisions on aggregating contributions.

Environmental quality

HB 1546 Solid waste management laws; enforcement.

Amends § 10.1-1455 to increase the maximum penalties for violations of the solid waste management laws from \$25,000 to \$32,500.

HB 1602 Environmental impact reviews; completion within six months of project funding.

Adds § 33.1-19.1 to provide that any state agency, board, or commission that issues a permit required for a highway construction project pursuant to Title 10.1, 28.2, 29.1, or 62.1 of the Code of Virginia must, within 15 days of receipt of an individual or general permit application, review the application for completeness and either accept the application or request additional specific information from the Department of Transportation. The bill further provides that, unless a shorter period is provided for by law, regulation, or agreement, the state agency, etc. must, within 120 days of receipt of a complete application, issue the permit, issue the permit with conditions, deny the permit, or decide whether a public meeting or hearing is required by law. If a public meeting or hearing is held, it must be held within 45 days of the decision to conduct such a proceeding, and a final decision as to the permit must be made within 90 days of completion of the public meeting or hearing.

HB 1790 Nutrient management; state governmental entities to develop and implement plan.

Adds § 10.1-104.4 to require state governmental entities that own or lease land upon which nutrients are applied to develop and implement a nutrient management plan by July 1, 2006.

HB 1890 Soil and water conservation districts; directors.

Adds § 10.1-529.1 to enumerate seven new responsibilities of soil and water conservation district directors.

HB 1947 Agricultural Enterprise Act of 2005.

Adds §§ 3.1-18.13 through 3.1-18.25 to direct the Department of Agriculture and Consumer Services to establish, as an element of the Office of Farmland Preservation, agricultural enterprise districts upon application by localities with established agricultural or forestal districts, locally designated agricultural enterprise districts, or purchase of development rights programs. This bill contains a delayed enactment clause of January 1, 2007, which is conditioned upon funding for the program being included in the appropriations act for fiscal years 2006-2008.

HB 1971 Poultry waste management; phosphorus application rates.

Amends § 62.1-44.17:1.1 to change the standard for the amount of phosphorous from poultry waste that can be applied on farmland. This bill requires that phosphorous application rates for nutrient management plans will have to conform to regulatory criteria and standards adopted by the Department of Conservation and Recreation (DCR).

HB 2029 Nonindigenous aquatic nuisance species; prohibited without permit.

Amends § 29.1-574 and adds § 18.2-313.2 to impose Class 1 misdemeanor penalty on anyone who knowingly introduces a snakehead fish or zebra mussel into the Commonwealth. The bill includes an exemption from this civil penalty for a person who catches a snakehead fish if the individual has lawfully taken the fish, killed it, and reported his actions.

HB 2073 Sewage sludge; individual may request testing, responsibility of cost.

Amends §§ 32.1-164.5 and 62.1-44.19:3 to allow an individual to make a timely request of the Department of Health or the Department of Environmental Quality that it obtain a sample of sewage sludge at a specific site prior to the land application. The Department shall submit the sample to a certified laboratory for analysis. The person requesting the testing is responsible for paying the cost of obtaining and analyzing the sample.

HB 2192 Landfills; distance from ground water supply and required replacement of nontidal wetlands.

Amends §§ 10.1-1408.4 and 10.1-1408.5 to reduce the distance that a landfill can be sited from a surface water or a groundwater supply intake or reservoir from five miles to three miles. However, a landfill can be constructed as close as one mile from any existing surface or groundwater supply if the landfill meets certain conditions. The bill also increases the acreage threshold for allowing a landfill to be constructed or expanded in a nontidal wetland. Under the existing law, permits may be issued for the construction or expansion of a landfill that impacts less than 1.25 acres of nontidal wetlands. This bill would allow the issuance of a permit for a landfill that would impact less than two acres. The bill authorizes the Director of the Department of Environmental Quality to issue a permit for an expansion of a landfill located in a wetland only under certain specific conditions, such as the proposed site has to be at least 100 feet from any surface water body and one mile from any tidal wetland and that there be a minimum two-to-one wetlands mitigation ratio.

HB 2197 Sewage sludge; notification to local government before application to land.

Amends §§ 32.1-164.5 and 62.1-44.19:3 to require a person holding a permit to apply sewage sludge to the land to give notice to the local government at least 100 days prior to applying the sewage sludge. The notice will identify the location of the permitted site and the expected sources of the sewage sludge to be applied to the site. This requirement may be satisfied by providing a list of all available permitted sites in the locality at least 100 days prior to commencing the application at any site on the list. The notice requirement does not apply to any application commenced prior to October 10, 2005.

HB 2198 Sewage sludge; program established to train employees for testing.

Amends § 32.1-164.5 to require the Board of Health and the Department of Health to establish a program to train employees of those local governments that have adopted a biosolids ordinance in the testing and monitoring of sewage sludge. The Health Department is authorized to charge trainees a reasonable fee to recover the costs of preparing course materials and providing facilities and instructors for the program.

HB 2228 Non-conventional sewage disposal syst; civil penalties for violation.

Amends § 15.2-2157 to authorize localities to establish, by ordinance, a schedule of civil penalties for violations relating to the operation and maintenance of nonconventional sewage disposal systems. "Nonconventional sewage disposal system" means any Type II or Type III system, as defined in the Sewage Handling and Disposal

Regulations 12 VAC 5-610-10 et seq., including holding tanks and residential discharging wastewater treatment systems.

HB 2365 Stormwater management program; updates for authorities.

Adds and amends §§ in Title 10.1 and amends §§ in Title 2.2 to update the Department of Conservation and Recreation's stormwater management program authorities including: (i) exempting from the Administrative Process Act permits issued through a federally delegated program, (ii) changing the timing of the terms for the three at-large members of the Soil and Water Conservation Board, (iii) creating new reporting requirements for local plan-approving authorities, and (iv) authorizing the Soil and Water Conservation Board to establish a statewide permit fee schedule for stormwater management related to municipal separate storm sewer system permits.

HB 2378 Wetlands board, local; membership.

Amends § 28.2-1303 to allow members of a local board that hears cases relating to the locally adopted Chesapeake Bay Preservation ordinance to also serve on a local wetlands board. Currently, there is a prohibition on members of the wetlands board holding a public office in the county or city. However, there is an exception that allows members of some bodies such as the local planning and zoning commissions, the local erosion commission, and the board of zoning appeals to also serve on the local wetlands board. This bill would add members of this locally established Chesapeake Bay Preservation ordinance board to the list of exceptions.

HB 2427 Wetlands; prohibits condemnation of any property for compensatory mitigation.

Adds §§ 15.2-1907.1 and 25.1-108 to prohibit condemnation of any property for compensatory wetlands mitigation unless (i) the property sought to be acquired is located within the same locality as the project affecting wetlands, or (ii) the governing body of the locality where the property sought to be acquired consents to its acquisition for such purpose. The prohibitions do not apply to property acquired by the Commonwealth Transportation Commissioner pursuant to its power of eminent domain.

HB 2440 Hazardous waste facilities; financial assurances.

Amends § 10.1-1428 to direct any forfeited financial assurances for abandoned hazardous waste storage, treatment, or disposal facilities be paid to the Director of the Department of Environmental Quality to assure proper closure and maintenance of the facilities. This is similar to how financial assurances are structured in the solid waste program and the federal hazardous waste program. Current law provides that, should a facility fail to properly close a hazardous waste management facility, the financial assurances provided are available only to the locality to assure proper closure.

HB 2451 Septic systems; validity of septic tank permits.

Amends § 32.1-164.1:1 to exclude certain transfers of real property from the current provision that waivers granted for certain failing onsite sewage systems are nontransferable and limits the waiver provisions to systems on real property with 1 to 4 dwelling units. Currently, whenever any onsite sewage system is failing and the Board's regulations for repairing the system impose (i) a requirement for treatment beyond the level of treatment provided by the existing onsite sewage system when operating properly or (ii) a new requirement for pressure dosing, the owner may request a waiver from such requirements; however, the waivers are not transferable, except between a husband and a wife. The bill also requires the owner of the residential real property with the waived onsite sewage system to provide a written disclosure to the purchaser; the purchaser will have certain time lines and processes for terminating the contract. Real estate licensees will have a duty to inform owners and purchasers of their rights. The Real Estate Board is charged with enforcement of the disclosure, termination, and real estate licensees' duties under this provision.

HB 2464 Stream channel restoration & relocation projects; exempt certain from requirements.

Amends §§ 10.1-560 and 10.1-561 to provide a definition of natural channel design concepts and exempts stream restoration and relocation projects that incorporate these concepts from any flow rate capacity and velocity requirements for channels that are in the Erosion and Sediment Control Law regulations.

HB 2624 Sewage sludge; localities to adopt an ordinance that requires incorporation.

Amends §§ 32.1-164.5 and 62.1-44.19:3 to provide that surface incorporation into the soil of sewage sludge applied to cropland may be required when practicable and compatible with a soil conservation plan meeting the standards and specifications of the U.S. Department of Agriculture Natural Resources Conservation Service. This bill also directs the Board of Health to develop regulations specifying and providing for extended buffers to be employed for application of sewage sludge (i) to hay, pasture, and forestland, or (ii) to croplands where surface incorporation is

not practicable or is incompatible with a soil conservation plan. The extended buffers may be included by the Department as site specific permit conditions.

HB 2645 Wetlands; updating of maps for localities.

Amends § 62.1-44.15:01 to direct the State Water Control Board to (i) ensure that beginning on or after January 1, 2007, wetland inventory maps identifying the location of nontidal wetlands maintained by the board be made readily available to the public, (ii) notify the circuit court clerk's office and other appropriate officials in each locality of the availability of the wetland inventory maps, and (iii) request that the locality provide information in the location where the land records of the locality are maintained on the availability of those maps.

HB 2777 Water Quality Improvement Fund.

Amends §§ in Title 10.1 to appropriate \$50 million from the general fund to the Water Improvement Quality Fund on July 1, 2005. The money is to be used solely to finance the costs of design and installation of biological nutrient removal facilities or other nutrient removal technologies at publicly-owned sewage systems. In addition, beginning July 1, 2005, the annual appropriations to the Fund provided from the 10 percent general fund surplus and the 10 percent of any unreserved general fund year-end balance will have a different distribution formula. Seventy percent of these moneys will be allocated to the Department of Conservation and Recreation to be used for the implementation of best management practices that reduce nitrogen and phosphorous nonpoint source pollution, and 30 percent will be allocated to the Department of Environmental Quality to make grants to significant dischargers and to treatment works that use the Public-Private Education Facilities and Infrastructure Act, to design and install state-of-the-art nutrient removal technology. The amount of financing available to the treatment facility for point source nutrient removal technologies, whether the source of funding is the 10 percent surplus and 10 unexpended balance, or the \$50 million appropriation, will depend on the financial need of the community, which will be determined by comparing the annual sewer charges expended within the service area to the reasonable sewer costs established for the community. The bill also directs the chairman of the committees of oversight to develop recommendations for a permanent source of funding that will clean up the Chesapeake Bay and its tributaries, as well as other impaired waters outside the Bay watershed. SB 810 and SB 1235 are identical.

HB 2805 Sewage sludge; prohibits any person from altering composition.

Amends §§ 32.1-164.5 and 62.1-44.19:3 to direct that sewage sludge be treated to meet standards for land application as required by Board regulation prior to delivery at the land application site. This bill prohibits altering the composition of sewage sludge at the site where the sewage sludge is being applied. However, the addition of lime or deodorants to sewage sludge that has been treated to meet land application standards shall not constitute alteration of the composition.

HB 2862 Nutrient Credit Exchange Program.

Adds §§ 62.1-44.19:12 through 62.1-44.19:19 to establish a nutrient exchange or trading program that would allow point source dischargers to achieve and maintain compliance with the waste load cap allocations for nitrogen and phosphorous delivered to the Chesapeake Bay and its tidal tributaries. The State Water Control Board would issue a general permit under the Virginia Pollutant Discharge Elimination System to eligible point source dischargers of nitrogen and phosphorous. The facilities that obtain such a permit, and which are interested in participating in the trading program, would be identified together with their individual load cap allocations and trading ratios. The trading association authorized by the bill would provide the mechanism by which those permittees under the general permit would be matched with nutrient trading partners. Within nine months of the issuance of the general permit, the permittees either individually or through the trading association are required to submit compliance plans to DEQ. The compliance plans would have to include any capital projects and the implementation schedules needed to achieve the nitrogen and phosphorous reductions needed to comply with the waste load allocations for all the permittees in a particular tributary. SB 1275 is identical.

HB 2902 Watershed improvement districts.

Amends § 10.1-619 to require a simple majority of the votes cast to pass a referendum held to create a watershed improvement district. Currently, at least two-thirds of the votes cast must be (i) in favor of the watershed improvement district and (ii) represent ownership of at least two-thirds of the land in the proposed district.

HB 2937 Erosion & sediment control plans; enforcement.

Amends § 10.1-562 to authorize the Department of Conservation and Recreation to issue a special order to a locality that has not taken action to correct the manner in which it is administering its erosion and sediment control program. Those localities that have not initiated or implemented an approved corrective action agreement are subject to a civil penalty not to exceed \$5,000 per day with the maximum amount not to exceed \$20,000 per violation. Prior to

issuing a special order, the Soil and Water Conservation Board is to conduct a formal hearing pursuant to the Administrative Process Act.

HJ 625 Natural gas; possibility of exploring coastal areas.

Requests the Secretary of Commerce and Trade to study the possibility of exploring for natural gas in coastal areas of the Commonwealth. The Secretary shall include recommended legislation that could permit drilling for natural gas off the Commonwealth's coast.

HJ 640 Chesapeake Bay; options to provide funding for clean-up.

Establishing a joint subcommittee to study of options to provide a long-term funding source to clean up Virginia's polluted waters, including the Chesapeake Bay and its tributaries.

HJ 643 Biosolids; land application.

Directing the Joint Legislative Audit and Review Commission to study the land application of biosolids. The Commission shall evaluate (i) the current level of funding, staffing and resources available to the Virginia Department of Health for oversight and enforcement of the Virginia Biosolids Program; (ii) resources available to assist local governments with implementation of their biosolids inspection and monitoring authority; (iii) programs to ensure the proper training and support of local biosolids monitors; (iv) incentives to encourage sharing of information and resources among local governments, including the use of regional or multi-jurisdictional monitors; and (v) measures to encourage and assist coordination and communication between the Virginia Department of Health and local governments so as to ensure consistency and efficiency in complaint response and enforcement.

SB 798 Landfill gas; increases number of customers to which a company may sell.

Amends § 56-265.1 to increase, from one to three, the number of commercial or industrial customers to which a company may sell or deliver landfill gas, or electricity generated from landfill gas, without being subject to regulation as a public utility.

SB 810 Water Quality Improvement Fund.

See summary for HB 2777, which is identical. Also identical to SB 1235.

SB 1088 Environmental Excellence Program.

Adds §§ 10.1-1187.1 through 10.1-1187.7 to codify the existing environmental excellence program and gives the Air Pollution Control Board, the Virginia Waste Management Board, and the State Water Control Board the authority to approve alternative compliance methods, including but not limited to changes to monitoring and reporting requirements and schedules, streamlined submission requirements for permit renewals, the ability to make certain operational changes without prior approval, and other changes that would not increase a facility's impact on the environment. Such alternative methods would be available only to those facilities that have demonstrated a strong compliance record. The Governor's Environmental Excellence Awards shall be awarded each year to recognize participants in the Virginia Environmental Excellence Program.

SB 1089 Environmental enforcement; civil penalties.

Amends §§ in Titles 10.1 and 62.1 to strengthen the Department of Environmental Quality's environmental enforcement programs by granting it the authority to impose civil penalties of up to \$32,500 for each violation, not to exceed \$100,000 per order, after a hearing before a hearing officer appointed by the Supreme Court if (i) the person has been issued at least two written notices of alleged violation by the Department for the same or substantially related violations at the same site, (ii) such violations have not been resolved by demonstration that there was no violation, by an order issued by the Board or the Director, or by other means, and (iii) at least 130 days have passed since the issuance of the first notice of alleged violation. The penalties would be subject to appeal. This bill also helps simplify water enforcement actions by allowing the Water Board to delegate approval of consent orders, and increases the maximum civil penalty for violations of the Air, Waste, and Water programs from \$25,000 to \$32,500.

SB 1103 Chesapeake Bay Local Assistance Department; abolished.

Amends §§ 2.2-215 and 28.2-1103 and amends and repeals §§ in Title 10.1 to eliminate the Chesapeake Bay Local Assistance Department and transfers responsibility for administration of the Chesapeake Bay Preservation Act to the Department of Conservation and Recreation. The bill reflects language in the 2004-2006 Appropriation Act that eliminated the Department and transferred its responsibilities to the Department of Conservation and Recreation.

SB 1141 Foundation for Natural Resources.

Adds §§ 10.1-2135 through 10.1-2139 to create the Foundation for Virginia's Natural Resources to assist in developing and to encourage the nonregulatory conservation programs within the agencies of the Secretariats of Natural Resources and Agriculture and Forestry, and to foster collaboration and partnerships among businesses, communities, and the Commonwealth's environmental enhancement programs. The Foundation will expire on July 1, 2007, if no funds have been received in the Foundation's fund by that time.

SB 1235 Water Quality Improvement Fund.

See summary for HB 2777, which is identical. Also identical to SB 810.

SB 1248 Water resources projects; establishing coordinated process.

Adds §§ 28.2-1205.1 and 62.1-44.15:5.01 to establish a coordinated process to review water resources projects that require both a permit from the Virginia Marine Resources Commission and an individual Virginia Water Protection Permit from the Department of Environmental Quality. The joint review process will also involve other agencies such as the Virginia Institute of Marine Science and the Department of Game and Inland Fisheries. The bill also provides a preapplication review.

SB 1275 Nutrient Credit Exchange Program.

See summary for HB 2862, which is identical.

SB 1294 Attorney General; representation of soil and water conservation districts.

Amends §§ 2.2-507 and 10.1-501 to allow the Attorney General to represent soil and water conservation districts and district directors in civil litigation if requested by the attorney for the Commonwealth. Currently such representation is provided by the attorney for the Commonwealth of the county or city in which the suit or action arises.

Finance, fees, & taxation

HB 1500 Budget Bill. Additional appropriations for 2004-2006 biennium.

A bill to amend appropriations for the 2004-06 biennium.

HB 1638 Sales & Use Tax; reduction of rate on food.

Amends § 58.1-611.1 to accelerate the tax relief for the retail sales and use tax on food. Provides that the retail sales and use tax on food purchased for human consumption shall be imposed at a rate of 2.5 percent on and after July 1, 2005 (1.5 percent state and 1 percent local). Current law provides that the sales and use tax on food shall be imposed at a rate of 3.5 percent beginning July 1, 2005; 3 percent beginning July 1, 2006; and 2.5 percent beginning July 1, 2007. SB 708 is identical.

HB 1667 Highway vehicles; definition; unpaid taxes.

Amends §§ 58.1-3941 and 58.1-3942 to make a technical correction to clarify which highway vehicles in general may not be distrained for unpaid taxes, levies, or other charges. §§ 58.1-3941 and 58.1-3942 currently cross-reference a repealed section of the Code of Virginia that defined a "highway vehicle." § 58.1-2101 defined a highway vehicle, but the section was repealed effective January 1, 2001. The bill corrects §§ 58.1-3941 and 58.1-3942 by including in these sections the definition of a highway vehicle as it appeared in repealed § 58.1-2101.

HB 1706 Fees collected by clerks of circuit courts; use.

Amends § 17.1-275 to provide that court clerks shall use the fees paid for copying to recoup the costs of providing the copies, with the balance of the funds paid to the state. Funds sufficient to recoup the cost of making copies shall be deposited with the locality, which shall in turn appropriate funds to support copying costs. Such costs shall include lease and maintenance agreements, but shall not include salaries or related benefits.

HB 1721 Banquet license; issuance for manufacturers of beer or wine.

Amends §§ in Title 4.1 to allow a manufacturer of beer or wine to obtain a single banquet license for a special event lasting no more than three consecutive days. Current law provides that a banquet license is required for each day of an event. The bill increases the state and local license tax for the three-day banquet license to \$100 and \$20 respectively.

HB 1775 Personal property; sale/lease-back by localities.

Amends § 15.2-951 to provide that in an instance where local-government owned personal property in certain categories is sold with the intent to lease back the property, approval by the governing body, after notice and a public hearing, is required when the value of the proposed sale amount exceeds \$2,000,000.

HB 1889 Fees, local; procedure for enactment of certain.

Amends § 15.2-107 to rewrite and clarifies the advertisement requirements for enactment of local fees in franchising and zoning ordinances.

HB 1922 Tenant's water and sewer bills; lien on property.

Amends § 15.2-2119 to state that before a locality may place a lien on a landlord's property for unpaid water and sewer bills of a tenant, the locality must obtain judgment against the tenant and attempt to collect for 60 days, and must give the landlord notice. The landlord then may sue the tenant if the locality successfully obtains a judgment against the landlord for a tenant's delinquent water and sewer bill.

HB 1931 Recreational access funding; limitations.

Amends § 33.1-223 to clarify limitations on expenditures for recreation access projects operated by a locality or a state agency.

HB 1993 State agency budgets; copies to Gov. & General Assembly.

Amends § 2.2-1504 to require the Department of Planning and Budget, in addition to providing copies of all agency budget estimates, to prepare an analysis of such estimates for the deliberative use of the Governor and the General Assembly, such analysis to include, but not be limited to (i) appropriations requested as compared to the prior year, (ii) a brief description of each agency's priorities for receiving funding, and (iii) a discussion of major changes or initiatives recommended for the ensuing fiscal year. The General Assembly rejected gubernatorial amendments, so the bill will be returned to the governor, who may sign it as enacted, not sign it (in which case it becomes law), or veto it.

HB 2145 Port Authority; service charge payments to localities.

Amends § 62.1-145 to provide that local service charge payments imposed on property of the Virginia Port Authority are to be paid by the Authority.

HB 2372 Business license tax, local; population basis and fee increase.

Amends § 58.1-3703 to provide that the population estimates of the Weldon Cooper Center for Public Service of the University of Virginia shall be used for determining population for purposes of imposing the business license fee in localities.

HB 2408 Sewage disposal fees; included on real estate tax bills.

Amends § 58.1-3912 to permit counties to include solid waste disposal fees on the corresponding real estate tax bills.

HB 2450 Stormwater; regulation of billing charges.

Amends § 15.2-2114 to remove the requirement of passing an ordinance when a locality is establishing the order in which payments are applied for combined billing of stormwater charges and other charges.

HB 2477 Machinery and tools tax; changes in valuation method; notice.

Amends § 58.1-3507 to require that proposed changes in the valuation method used for machinery and tools be published by a notice appearing in a newspaper of general circulation at least 30 days prior to such change and citizens be allowed to submit comments to the local commissioner of the revenue regarding the proposal during the 30 days.

HB 2502 Motor vehicle license fees; changes in provisions.

Amends § 46.2-752 to provide that a town cannot charge a license fee to any new resident of the town, previously a resident of a county within which all or part of the town is situated, who previously paid a license fee for the same tax year to such county.

HB 2523 Ambulance services; localities authorized to charge insurers.

Amends § 32.1-111.14 to clarify that localities are currently permitted to charge insurers for ambulance services provided to any person covered by an accident and sickness insurance policy that provides coverage for ambulance services.

HB 2599 Retail Sales and Use Tax; exemptions include public transportation services.

Amends § 58.1-609.1 to restore a sales and use tax exemption for tangible personal property sold or leased to Alexandria Transit Company, Greater Lynchburg Transit Company, GRTC Transit System, or Greater Roanoke Transit Company that are owned, operated, or controlled by any county, city, or town, or any combination thereof,

that provides public transportation services. The bill declares that an emergency exists and is effective beginning September 1, 2004. SB 1195 is identical. Emergency.

HB 2622 Surplus funds; allows any locality to develop a method for returning.

Amends § 15.2-2511.1 to allow any locality to develop a method for returning surplus real property tax revenues to taxpayers who are assessed real property taxes in any fiscal year in which the locality reports a surplus. Currently, this authority is granted to Albemarle County.

HB 2635 Deferred real estate tax; allows locality to establish interest rate.

Amends § 58.1-3219.1 to allow a local governing body to establish the interest rate applicable to deferred real estate tax payments, not to exceed the rate established by the Internal Revenue Code. Currently, interest for the deferred payment is set as the rate established by the Internal Revenue Code. SB 1087 is identical.

HB 2664 Driver's license; additional fee for reinstatement.

Amends § 46.2-411 to impose an additional \$40 fee for reinstatement of suspended or revoked driver's licenses. Proceeds of this additional fee are to be paid into the Trauma Center Fund for the purpose of defraying the costs of providing emergency medical care to victims of automobile accidents attributable to alcohol or drug use.

HB 2679 Business license tax, local; appeals to court.

Amends §§ 58.1-3703.1 and 58.1-3983.1 to make substantial revisions to the local tax appeals process. The principal policy change effected by the bill is to provide that there is no requirement to "pay to play" in filing a judicial challenge of a decision of the state Tax Commissioner on an appeal of a local tax determination, save in the case of a frivolous appeal, substantial economic hardship to the locality, or likely flight of the taxpayer. Conversely, the bill codifies, for the first time, the right of a locality to require payment in such cases when collection is rendered doubtful, and provides explicit authority for withholding a refund, ordered by the state Tax Commissioner, during judicial review of the Commissioner's decision initiated by the locality. The passed bill also adds consumer utility tax disputes in excess of \$2500, except for the consumer utility tax on wireless telecommunications services, to the list of appealable taxes. The bill was a legislative priority of the Virginia Chamber of Commerce and was the subject of intense negotiation with local governments during the session.

HB 2686 Personal property exempt from taxation; commercial fishing boats.

Amends § 58.1-3506 to designate boats weighing less than five tons and used for business purposes as a separate class of tangible personal property for taxation purposes. SB 1273 is identical.

HB 2770 Charitable donations by localities; Habitat for Humanity.

Amends § 15.2-953 to add Habitat for Humanity to those organizations to which a locality may make a charitable donation.

HB 2774 Retail Sales and Use Tax; exemptions include manufactured signs.

Amends § 58.1-602 to specify that manufactured signs are tangible personal property for purposes of sales and use tax.

HB 2880 Communications services; various revisions to taxation thereof.

An Act to direct the APA to review and collect information in 2005 regarding revenues received by localities from certain local communications taxes and fees and report to the chairmen of the House and Senate Finance Committees and the Department of Taxation no later than December 1, 2005.

HJ 633 Constitutional amendment; exempts certain property from taxation (first reference).

Proposing an amendment to Section 6 of Article X of the Constitution of Virginia authorizing the General Assembly to enact legislation that will permit localities to provide a partial exemption from real property taxation for real estate and associated new structures and improvements in conservation, redevelopment, or rehabilitation areas. SJ 275 is identical.

HJ 656 Taxes, assessments, & fees; those that generate little revenue.

Establishing a joint committee to study of the taxes, assessments, and fees imposed by the state that generate little revenue. The joint subcommittee is charged with examining if administrative costs can be reduced if smaller taxes and fees are consolidated into larger ones that can be collected more efficiently.

HJ 664 Cigarette taxes; use of tax stamps by localities.

Department of Taxation study of the feasibility of establishing uniformity and consistency among Virginia's localities in the design and use of tax stamps as evidence of payment of local cigarette taxes by tobacco wholesalers.

SB 708 Retail Sales & Use Tax; reduction of rate on food purchased for human consumption, effective date.

See summary for HB 1638, which is identical.

SB 793 Transient occupancy tax; overnight accommodations.

Adds § 58.1-3826, to clarify that the transient occupancy tax applies to charges for any room or space suitable or intended for dwelling, lodging, or sleeping purposes, thus codifying an opinion of the Attorney General that the tax cannot be imposed on the charge for rooms or space rented for meetings, conferences and purposes other than sleeping, dwelling, or lodging.

SB 796 Assessment tax; statute of limitations.

Amends § 58.1-2670 to clarify that any taxpayer, the Commonwealth, or any county, city or town may only apply to the State Corporation Commission for a review and correction of an assessment of value or tax within three months after receiving a certified copy of such assessment or tax. After the three months has expired there are no provisions in the law to receive an application or complaint concerning the assessment of value or tax.

SB 801 Utility tax; mobile phones in Dumfries.

Amends § 58.1-3812 to allow the Town of Dumfries to impose by ordinance the local consumer utility tax on or after July 1, 2005. If the tax is imposed, Prince William County will no longer impose the tax in the town limits of Dumfries.

SB 844 Real estate tax; deferral for certain elderly and handicapped persons.

Amends § 58.1-3211 to allow a locality to exclude up to \$5,000 of permanent or temporary disability benefits of an owner when determining eligibility for its tax deferral programs. SB 851 is identical.

SB 851 Real estate tax; deferral for certain elderly and handicapped persons.

See summary for SB 844, which is identical.

SB 900 Agricultural and forestal districts; removes cap on processing fees.

Amends § 15.2-4303 to increase from \$300 to \$500 the cap on the fees that localities can charge for agricultural or forestal district applications.

SB 902 Technology Trust Fund Fee; no transfer out of fund, exception.

Amends § 17.1-279 to prohibit, beginning July 1, 2006, transfers from the Technology Trust Fund Fee for purposes not specifically enumerated in the law, including transfers to the general fund.

SB 934 Public Accounts, Auditor of; duties.

Amends § 30-133 to require the Auditor of Public Accounts to establish and maintain each year on its Internet web site a searchable database that contains certain state expenditure, revenue, and demographic information for the 10 most recently ended fiscal years of the Commonwealth. The online database shall be made available to citizens of the Commonwealth to allow public access to historical revenue collections and appropriations with related demographic information. The bill also authorizes the Auditor of Public Accounts to perform an audit of the monies furnished to the Washington Metropolitan Transit Authority by the Commonwealth.

SB 1051 Real estate tax; changes in local relief programs.

Amends § 58.1-3211 to change authorized local real estate tax relief programs by (i) authorizing counties, cities, and towns to use the locality's median adjusted gross income of its married residents (as published by the Weldon Cooper Center for Public Service of the University of Virginia) as a total income limit for eligibility, and (ii) authorizing counties, cities, and towns to adjust the current net financial worth limit for inflation.

SB 1052 Excise tax; allows localities to impose penalty for delinquent payment.

Amends § 58.1-3916 to allow the governing body of any county, city, or town to impose a penalty for the delinquent remittance of excise taxes on meals, lodging, or admissions collected from consumers, not to exceed 10 percent for the first month the taxes are past due and five percent for each month thereafter, not to exceed 25 percent of the amount of the taxes not remitted. Currently, the penalty for such delinquent remittance is limited to 10 percent.

SB 1084 Fingerprints; increases fees for noncriminal prints.

Amends § 19.2-392 to increase fingerprint fees for noncriminal prints from \$5 per card to \$10 for the first card and \$5 for each successive card.

SB 1087 Deferred real estate tax; allows locality to establish interest rate.

See summary for HB 2635, which is identical.

SB 1159 Wireless E-911 Services Board; changes in provisions.

Amends §§ in Title 56 to clarify that the Wireless E-911 Services Board's obligation to make payments to PSAP operators and CMRS providers is subject to the extent of appropriated funds. The bill also removes the exemptions to E-911 deployment, excludes governments from the surcharge collection, and establishes July 1 as the deadline for late funding requests. Clarifies appeals process and expands the Board's responsibilities to include development of a single, statewide electronic addressing database.

SB 1195 Retail Sales and Use Tax; exemptions include public transportation services.

See summary for HB 2599, which is identical. Emergency.

SB 1273 Personal property tax; separate classification for boats used in businesses.

See summary for HB 2686, which is identical.

SB 1279 Personal property tax; separate classification of certain machinery and tools used in businesses.

Amends and adds §§ in Title 58.1 to allow a locality to classify certain heavy machinery used by businesses not otherwise set out in Article 2 (§ 58.1-3507 et seq.) of Chapter 35 of Title 58.1, "Machinery and Tools Tax," as a separate classification of property. The tax rate may not exceed the rate imposed upon the general class of tangible personal property.

SJ 275 Constitutional amendment; exempts certain property from taxation (first reference).

See summary for HJ 633, which is identical.

SJ 308 Code Commission; to identify tax preferences outside of Title 58.1.

Directs the Virginia Code Commission to identify tax preferences located outside of Title 58.1 in the Code of Virginia, and to report biennially to the General Assembly with recommendations for legislation to cross-reference these preferences in Title 58.1 or to generally make the tax preferences in the Code easier to identify.

FOIA, public records & privacy

HB 1687 Birth records; access by grandparents.

Amends § 32.1-271 to require the State Registrar or the city or county registrar to disclose data about or issue a certified copy of a birth certificate of a child to the grandparent of the child upon the written request of the grandparent when the grandparent has demonstrated to the State Registrar evidence of need, as prescribed by Board regulation, for the data or birth certificate.

HB 1791 Public Records Act; changes in provisions.

Amends and repeals §§ in Title 42.1 to remove obsolete definitions from the Virginia Public Records Act, clarifies existing definitions of "archival records" and "public records," and creates a definition for "private record." Removes references to programs for microfilming records by The Library of Virginia, a service not provided by The Library; also clarifies that a public record may not be destroyed or discarded unless certain requirements are met.

HB 2052 Clerks of court; prohibits posting personal information on Internet.

Amends § 2.2-3808.2 to extend the sunset clause on the law prohibiting clerks from posting certain information on a court-controlled website from July 1, 2005, to July 1, 2007. The clerk is immunized against suits arising from any acts or omissions related to providing remote access on the Internet, but not for gross negligence or willful misconduct.

HB 2363 Health records; right of individual access, exceptions.

Amends § 32.1-127.1:03 to emphasize the right of an individual to have access to his health records with certain exceptions; defines the term "psychotherapy notes"; clarifies the list of persons to whom disclosure of protected health information may be made; underscores the confidentiality of psychotherapy notes and prohibits the disclosure of such psychotherapy notes, with exceptions for training programs, legal processes, protection of third parties, and various law-enforcement and regulatory investigations; and states specifically that state law controls the procedures for requesting health records. SB 1064 is identical.

HB 2399 FOIA; exempts certain 911 or E-911 records.

Amends § 2.2-3705.2 to exempt from the mandatory disclosure requirements of FOIA, subscriber data (defined as the name, address, telephone number, and any other information identifying a subscriber of a telecommunications carrier), and other identifying information of a personal, medical or financial nature provided to a local governing body in connection with a 911 or E-911 emergency dispatch system or an emergency notification or reverse 911 system, if such records are not otherwise publicly available. This exemption does not prevent the release of subscriber data generated in connection with specific calls to a 911 emergency system, when the requester is seeking to obtain public records about the use of the system in response to a specific crime, emergency or other event for which a citizen has made a 911 call.

HB 2404 FOIA; partially exempts certain local wireless service authorities.

Amends §§ 2.2-3705.6 and 2.2-3711 to exclude from FOIA disclosure requirements confidential proprietary records and trade secrets developed by or for a local authority operating under the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) if disclosure of such information would be harmful to the competitive position of the authority. The bill also grants an open meeting exemption for discussions of such records.

HB 2482 Personal Information Privacy Act; restricting use of social security numbers.

Amends §§ 2.2-2818, and amends and adds §§ in Title 59.1 to prohibit any person from (i) intentionally communicating an individual's social security number to the general public; (ii) printing an individual's social security number on any card required for the individual to access or receive products or services; (iii) requiring an individual to use his social security number to access an Internet website, unless an authentication device is also required; or (iv) mailing a package with the social security number visible from the outside. The bill exempts public bodies and public records. A violation is a prohibited practice under the Virginia Consumer Protection Act. The measure also requires the state employee's health insurance plan to use identification numbers that are not the employee's social security number.

HB 2930 FOIA; exemptions for certain meetings and records about security of ballots and voting equipment.

Amends § 2.2-3711 and adds § 24.2-625.1 to provide limited exemptions from certain Freedom of Information Act requirements for documents and meetings of the State Board of Elections and local electoral boards pertaining to the security of ballots and voting equipment and related security risk assessment procedures.

SB 959 FOIA exemption for localities providing telecommunication and cable television services.

Amends and adds §§ in Title 15.2 and amends §§ 2.2-3705.6, 2.2-3711, and 56-265.4:4 to exempt from the mandatory disclosure requirements of the Freedom of Information Act any public record of a local government that contains confidential proprietary information or trade secrets pertaining to its provision of telecommunication services and cable television service. Public bodies may also discuss such records in properly convened closed meetings.

SB 992 Uniform Real Property Electronic Recording Act; created.

Amends and adds §§ in Title 55 and adds §§ 17.1-258.2 through 17.1-258.5 to establish the Real Property Recording Act, which authorizes circuit court clerks to accept and record land records electronically. All provisions associated with the Act must be reenacted by the General Assembly except for a requirement that the Virginia Information Technology Agency develop standards for electronic recording of land records. A new article in Title 17 restores authority, which had expired July 1, 2004, for court clerks to electronically file other court documents, including instruments and judgments.

SB 1064 Health records; emphasizes right of an individual to have access thereto, exceptions.

See summary for HB 2363, which is identical.

SB 1192 Secure online access permitted for certain court records in some instances.

Amends § 2.2-3808.2 and repeals the second enactment of Chapter 988 of the Acts of Assembly of 2003 to clarify that circuit court clerks may provide secure remote access to any document in the land records, and also allows the clerks to provide secure remote access by any person and his counsel to documents filed in a case in which such person is a party. Nothing in the revised statute prohibits the Supreme Court or other courts from providing online access to a case management system that may include abstracts of case filings and proceedings in the courts of the Commonwealth. The sunset clause applicable to this section is extended from July 1, 2005, to July 1, 2007.

SB 1320 Confidentiality of juvenile records; exception.

Amends § 16.1-309.1 to amend provisions allowing the public release of juvenile information (name, age, physical description, photograph, charge, and other information that might expedite apprehension) when a juvenile becomes a fugitive from justice to apply to juveniles who are being held in custody by a law-enforcement officer or in a secure facility. Under current law release of this information is allowed only if the juvenile is charged with certain felonies (rape, robbery, burglary, or a Class 1, 2, or 3). Current law further provides that the information may be released only upon court order. This bill provides that if the juvenile becomes a fugitive from justice at a time when court is not in session, the Department of Juvenile Justice, attorney for the Commonwealth or a court services unit may release such information.

General government

HB 1590 Landlord and tenant; submetering for water and sewer usage.

Amends § 55-226.2 to clarify that submetering equipment for water and sewer service may be used in commercial and residential buildings if clearly stated in the rental agreement or lease for the dwelling unit. Water and sewer submetering equipment measures the actual water or sewer usage in a dwelling unit or nonresidential unit when the equipment is not owned by the utility that provides service to the building. Landlords are currently authorized to use ratio billing systems, which do not measure actual usage.

HB 1621 Tort Claims Act; increases claim amounts for general district court jurisdiction.

Amends §§ 8.01-195.4 and 16.1-92 to extend the concurrent jurisdiction of general district courts under the Tort Claims Act to claims up to \$15,000, and permits the removal of cases brought under the Act from general district court where the claim amount exceeds \$4,500.

HB 1822 Day spa licenses; state and local license taxes.

Amends §§ in Title 4.1 to create a day spa license that allows the licensee to give no more than two-five ounce glasses of wine or one 12-ounce glass of beer to customers of the day spa for on-premises consumption. The bill also defines day spa and sets the amount of state and local license taxes, at \$100 and \$20 respectively.

HB 1877 Graffiti ordinance; mandatory minimum fine and jail.

Amends § 15.2-1812.2 to amend local graffiti ordinance provisions to require that any violation carry a mandatory minimum fine of \$500, where the defacement is (i) more than 20 feet off the ground, (ii) gang-related, or (iii) on an overpass. The bill also provides for cleaning of graffiti by a locality at its own expense.

HB 1911 Sheriffs and sheriff's deputies; uniforms.

Amends §§ 15.2-1610 and 15.2-1612 to allow sheriffs and their deputies to wear any uniform that easily identifies the local law-enforcement officers to members of the public, so long as the design and style are approved by the sheriff and worn in accordance with policies established by the sheriff. SB 890 is identical.

HB 1916 Advisory boards, etc; removes limits on compensation & number of meetings.

Amends § 15.2-1411 to remove the limit on the amount local governing bodies can compensate members of advisory boards, committees and commissions (currently set at \$75) and removes the limit on the number of meetings for which compensation can be provided (currently monthly). SB 938 increases the limit on compensation from \$75 to \$100, but like HB 1916, removes the limit on the number of meetings for which compensation can be provided.

HB 2022 Motor vehicle dealers; sale & distribution of fire-fighting equipmt., ambulances & funeral vehicles.

Amends §§ 46.2-1500 and 46.2-1572 to restore an exemption from full licensure as motor vehicle dealers for persons dealing solely in the sale and distribution of funeral vehicles. This exemption was repealed by the 2004 Session. Emergency.

HB 2012 War Veterans Memorials; Operation Iraqi Freedom.

Amends § 15.2-1812 to add Operation Iraqi Freedom to the list of wars for which localities may erect monuments and memorials.

HB 2078 Antiquities Act; creation of position of State Archaeologist.

Amends §§ 10.1-2300 and 10.1-2301 to authorize the creation of the position of State Archaeologist, who shall assist the Director of the Department of Historic Resources.

HB 2112 Lobbyists; provision of statements to legislative and executive officials.

Amends § 2.2-426 to change from January 5 to December 15 the date on which registered lobbyists must provide statements to legislative and executive officials with whom they have lobbied. The bill also changes the reporting period for the statements from January 1 through December 31 to December 1 through November 30.

HB 2168 Garbage, trash, or refuse collection; additional requirements for localities.

Amends § 15.2-934 to add requirements to the findings localities must make before displacing private companies providing garbage, trash, or refuse collection services. Includes making a written finding of at least one of the following: (i) privately-owned refuse collection and disposal services are not available; (ii) the use of privately-owned and operated services has substantially endangered the public health or created a public nuisance; (iii) privately-owned services, although available, are not able to provide needed services in a reasonable and cost-efficient manner; (iv) or displacement is necessary to provide for the development or operation of a regional system of refuse collection or disposal for two or more localities. The General Assembly rejected gubernatorial amendments, so the bill will be returned to the governor, who may sign it as enacted, not sign it (in which case it becomes law), or veto it.

HB 2221 Animal laws; enforcement in towns.

Amends § 3.1-796.94 to give towns the option of adopting by reference any ordinance relating to animal control ordinances of the surrounding county to be applied within its town limits, instead of adopting an ordinance of its own.

HB 2338 Companion animals; requirement of permit to sell, penalty.

Amends § 3.1-796.84 to authorize localities that adopt an ordinance to require permits for pet shops or companion animal dealers to provide either a criminal penalty not to exceed a Class 3 misdemeanor or a civil penalty not to exceed \$500 for any violation of the ordinance.

HB 2364 Planning district commissions; membership.

Amends § 15.2-4203 to allow planning district 14 to include representatives of higher education institutions on the planning district commissions.

HB 2381 Community development authorities; removes population and tract size limits for counties.

Amends §§ in Title 15.2 to remove population and tract size limitations for counties establishing a community development authorities. Authorities are given new powers related to this financing and funding of land acquisition.

HB 2454 Charitable gaming; registration of bingo callers, payment of remuneration.

Amends and adds §§ in Title 18.2 to remove the authority of local governments to set the hours of operation for bingo games and sends the authority to the Gaming Commission. Also sets new rules for professional gaming callers and operators. SB 1322 is identical.

HB 2470 Uniform Electronic Transactions Act; to include locally elected constitutional officers.

Amends § 59.1-480 to include locally elected constitutional officers in the definition of public body for purposes of the Uniform Electronic Transactions Act.

HB 2615 Governing bodies; meetings.

Adds § 15.2-1416.1 to state that during the time prior to the governing body's actual call to order or convening of business, any expressions by members of the governing body or members of the public shall be held consistent with the individual's First Amendment right of freedom of speech.

HB 2681 Natural disaster damage assessment; permits disclosure of property damage to government officials.

Adds § 38.2-324 to permit the disclosure to state, federal, and local government officials of certain aggregated information involving property damage resulting from natural disasters.

HB 2863 Photogrammetrists; licensure.

Amends §§ in Title 54.1 to provide an exemption from licensure as a land surveyor for persons using photogrammetric methods or similar remote sensing provided such determination shall not be used for the design, modification, or construction of improvements to real property, or for flood plain determination. The bill authorizes the Board for Architects, Professional Engineers, Land Surveyors, etc. to adopt regulations establishing different licensure requirements for a limited area of the practice of land surveying for persons who determine topography, contours or depiction of physical improvements using photogrammetric methods or similar remote sensing technology and who are not otherwise exempt. SB 1306 is identical.

HB 2870 Human rights committees; requires 1 appt. to be a health care provider.

Amends § 37.1-84.3 to require that at least one appointment to the state human rights committee and each local human rights committee must be a health care provider. This is currently optional.

HJ 586 Constitutional amendment; marriage (first reference).

Proposing an amendment to Article I of the Constitution of Virginia providing that "only a union between one man and one woman may be a marriage valid in or recognized by this Commonwealth and its political subdivisions." The proposed amendment also prohibits the Commonwealth and its political subdivisions from creating or recognizing a legal status "for relationships of unmarried individuals that intends to approximate the design, qualities, significance, or effects of marriage." Further, the proposed amendment prohibits the Commonwealth or its political subdivisions from creating or recognizing "another union, partnership, or other legal status to which is assigned the rights, benefits, obligations, qualities, or effects of marriage." SJ 337 is identical.

HJ 707 Two-Term Governor.

Continuing and renaming the Joint Subcommittee to Study the Appropriate Balance of Power Between the Legislative and Executive Branches to Support a Two-Term Governor in the Commonwealth as the Joint Subcommittee to Study the Appropriate Balance of Power Between the Legislative and Executive Branches. The joint subcommittee will continue to review proposals to (i) lengthen the session to 60 days in the odd-numbered years, (ii) shift the budget cycle, (iii) provide for annual budgets, (iv) create an independent economic and revenue forecasting commission, (v) allow for legislative veto or suspension of administrative regulations, and other issues.

HJ 768 Companion animals; spaying & neutering.

Encouraging local governments to support the spaying and neutering of companion animals by providing incentives to citizens.

SB 869 Water and Waste Authorities; authorized to acquire property and grant security interests.

Amends § 15.2-5114 to authorize authorities formed under the Virginia Water and Waste Authorities Act to grant security interests in any personal property or any interest, right or estate held by the authority.

SB 890 Sheriffs and sheriff's deputies; uniforms.

See summary for HB 1911, which is identical.

SB 913 Insurance rates; eligibility threshold.

Amends § 38.2-1903.1 to revise the criteria for qualification as a large commercial risk by reducing the eligibility threshold for annual budgeting expenditures for nonprofit organizations or public bodies from \$10 million to \$5 million.

SB 938 Advisory boards, committees & commissions; compensation.

Amends § 15.2-1411 to increase the amount local governing bodies can compensate members of advisory boards, committees and commissions from \$75 to \$100 and removes the limit on the number of meetings for which compensation can be provided (currently monthly). HB 1916, like SB 938, removes the limit on the number of meetings for which compensation can be provided, but completely removes the cap on compensation (currently set at \$75).

SB 1012 Courthouses; relocation.

Amends § 15.2-1646 to state that for purposes of courthouse relocation, "contiguous" includes contiguous property directly across a public right of way.

SB 1027 Information Providers Network; change in authority.

Amends § 2.2-2010 and repeals § 2.2-2032 to dissolve the Virginia Information Providers Network as a separate division of the Virginia Information Technologies Agency (VITA) and gives its authority directly to VITA.

SB 1267 Religious references; definition of church & minister, provisions for incorporating churches.

Amends and adds §§ in Title 57 to make the necessary changes in the Code to provide for the incorporation of previously unincorporated churches and the ownership of church property following such incorporation.

SB 1306 Photogrammetrists; licensure.

See summary for HB 2863, which is identical.

SB 1322 Charitable gaming; registration of bingo managers and callers, payment of remuneration.

See summary for HB 2454, which is identical.

SJ 336 Circuit court; operations of offices.

Establishing a joint subcommittee study of operations of circuit court clerks' offices.

SJ 337 Constitutional amendment (first resolution); marriage.

See summary for HJ 586, which is identical.

SJ 339 Constitutional amendment; incorporating churches (1st reference).

Proposing an amendment to Section 14 of Article IV of the Constitution of Virginia to delete language that prohibits the General Assembly from granting charters of incorporation to churches.

SJ 388 Code Commission; reorganizing and renumbering of 1950 Code and publication.

Advises the citizens of Virginia of the intention of the Virginia Code Commission to publish a 2007 Code of Virginia to replace the Code of 1950.

Human services

HB 1492 Health Savings Account Plan.

Amends and adds §§ in Title 38.2 and amends §§ 2.2-2818, 6.1-2.9:8 to require the Department of Taxation and the State Corporation Commission to amend the Virginia Medical Savings Account Plan to address the provisions of federal law that permit eligible individuals to establish health savings accounts. The revised plan, to be called the Virginia Health Savings Account Plan, is required to identify measures by private and public entities that will increase the use and efficacy of health savings accounts by the state's residents, employers, and providers of health care coverage. Existing medical savings accounts may be converted to health savings accounts. Health carriers are expressly authorized to offer high deductible health plans that qualify for and may be offered in conjunction with health savings accounts. No later than July 1, 2006, the health insurance plan for state employees is required to include, as one of the health coverage options offered in each planning district, a high deductible health plan that would qualify for a health savings account. The 2003 federal Medicare legislation authorizes eligible individuals who purchase a high deductible health plan to make tax-deductible contributions into a health savings account, generally up to the amount of the health plan's deductible, and to make tax-free withdrawals from the health savings account to pay for qualified medical expenses. SB 1097 is identical.

HB 1550 Child Day-Care; parental notification.

An Act to requires the Board of Social Services and the Child Day-Care Council to review all child day program regulations to determine whether they adequately provide for the notification of parents, legal guardians, or other persons duly authorized, in the event a child sustains a significant physical injury. If the regulations are deemed inadequate, then the Board and Council shall adopt adequate regulations.

HB 1624 Prescription Drug Insurance Plan for Seniors.

An Act to grant the Board of Medical Assistance Services emergency regulatory authority to implement the provisions of the Medicare Part D prescription drug benefit that becomes effective January 1, 2006. Directs the Department of Medical Assistance Services to convene a task force of public and private stakeholders to assist the Department in evaluating the federal program and make recommendations for enhancing, coordinating, and integrating the existing pharmacy assistance programs and the Medicare Part D benefit. The report is due to the Governor and General Assembly by November 1, 2006. SB 841 is identical.

HB 1761 Food stamp benefits; drug-related felonies.

Adds § 63.2-505.1 to provide that a person who is otherwise eligible to receive food stamp benefits shall not be denied such assistance because the person has been convicted of a felony offense of possession of a controlled substance in violation of § 18.2-250, provided such person is complying with, or has already complied with, all obligations imposed by the criminal court, is actively engaged in or has completed a substance abuse treatment program, participates in periodic drug screenings, and any other obligations as determined by the Department. While the Temporary Assistance for Needy Families federal legislation bars food stamps to such persons, the federal law does permit states to opt out of this provision.

HB 1778 Methadone clinics; state licensing standards.

An Act to require the State Mental Health, Mental Retardation and Substance Abuse Services Board to establish standards to evaluate the need and appropriateness for the issuance of new licenses to providers of treatment for persons with opiate addiction. The standards will address the number of persons needing such treatment in the

service area, the proposed site of the clinic, the existing access to such treatment, the geographic and demographic parameters of the service area, and the proposed clinic's security and accountability measures. A moratorium on the issuance of new licenses for providers of treatment for persons with opiate addiction is established from the enactment date of this act until the date on which the standards become effective. The Board is authorized to promulgate emergency regulations. SB 753 is identical except it has an emergency clause.

HB 1798 Illegal aliens; eligibility for public benefits; proof of legal presence required.

Adds § 32.1-325.03 and 63.2-503.1 to require applicants for most public assistance, health and medical care benefits to prove their legal presence in the United States, either by showing a verified social security number or by presenting one of the documents similarly used by DMV to verify legal presence when issuing drivers' licenses. Emergency medical care, pre-natal care, immigrations and certain other benefits are exempted. The bill provides a procedure for granting temporary benefits while waiting to receive proper documentation that has been requested from a public agency (e.g. birth certificate). The effective date is January 1, 2006. SB 1143 is identical.

HB 1938 Community services boards and behavioral health authorities; funding

Amends §§ in Title 37.1 to authorize the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) to transfer appropriated funds for mental health, mental retardation, and substance abuse services directly to operating community services boards and behavioral health authorities if the affected localities agree to such.

HB 1963 Social benefits structure and families.

An Act to require the Department and Board of Social Services to ensure, unless otherwise prohibited by federal law, that Virginia's current social benefits structure does not provide economic or other incentives for the break-up of families, and to eliminate such incentives to the extent possible.

HB 1969 Child protective services; anonymous complaints.

Amends § 63.2-1514 to provide that, upon request, the local department of social services shall advise the person who was the subject of an unfounded child protective services investigation if the complaint or report was made anonymously. However, the identity of a complainant or reporter shall not be disclosed.

HB 2036 Coordination of long-term care services to older adults.

An Act to provide that the Commonwealth shall seek to ensure coordinated, effective, and efficient long-term care services to older adults. The bill sets out the policy of the Commonwealth in providing such services.

HB 2037 Interagency Civil Admissions Advisory Council; created.

Adds §§ 2.2-2690 through 2.2-2695 to establish the Interagency Civil Admissions Advisory Council in the executive branch of state government. The purpose of the Council is to study issues of Virginia law regarding the emergency custody, temporary detention, admission, and involuntary treatment of persons with mental illness, to give recommendations and advice on those issues, and to improve the implementation of those recommendations.

HB 2234 Hospital authorities; commissioners.

Amends § 15.2-5307 to allow the director of a local health department to serve as a commissioner, but not as chairman, on a hospital authority.

HB 2245 Juveniles; mental health services transition plan..

Adds § 16.1-293.1 to require the Board of Juvenile Justice, after consultation with the Board of Mental Health, Mental Retardation, and Substance Abuse Services and other related agencies, to promulgate regulations for the planning and provision of mental health, substance abuse or other therapeutic treatment services for persons returning to the community following commitment to a juvenile correctional center or postdispositional detention. SB 843 is identical.

HB 2253 Emergency Medical Services Plan, statewide.

Amends § 32.1-111.3 to add several new requirements to the Statewide Emergency Medical Services Plan developed by the Board of Health, including (i) publishing the Plan, (ii) expanding paramedic and advanced life support training, (iii) establishing and maintaining a process for crisis intervention and peer support services for emergency medical services and public safety personnel, a statewide emergency medical services for children program, a statewide system of health and medical emergency response teams, and a program to improve dispatching of emergency medical services, and (iv) identifying and establishing best practices for managing agencies and improving response times. SB 1146 is identical.

HB 2268 Food Stamps; eligibility for transitional benefits.

Adds § 63.2-505.1 to require the Department of Social Services, to the extent permitted by federal law, to provide transitional food stamp benefits for a period of not more than five months after the date on which Temporary Assistance for Needy Families (TANF) cash assistance is terminated. However, no household shall be eligible for transitional food stamp benefits if TANF cash assistance was terminated because all children in the assistance unit were removed from the home as a result of a child protective services investigation.

HB 2284 FAMIS; changes in benefits.

Amends § 32.1-351 to remove the requirement that the Family Access to Medical Insurance Security Plan provide wraparound benefits through supplemental insurance when benefits equivalent to the Virginia Medicaid program are not included in the employer-sponsored health insurance benefit plan.

HB 2433 Domestic violence and prevention services; responsibilities of Department.

Amends § 63.2-1612 to require the Department of Social Services to (i) support, strengthen, evaluate, and monitor community-based domestic violence programs funded by the Department and act as the administrator for state grant funds and the disbursement of federal funds, (ii) collaborate with the Statewide Domestic Violence Coalition in developing and implementing community-based programs to respond to and prevent domestic violence, (iii) establish minimum standards of training and provide educational programs to train workers in the fields of child and adult protective services in local departments and community-based domestic violence programs funded by the Department to identify domestic violence and provide effective referrals for appropriate services, (iv) work with the Statewide Domestic Violence Coalition to implement methods to preserve the confidentiality of all domestic violence services records (v) work collaboratively with the Statewide Domestic Violence Coalition to operate the Virginia Family Violence and Sexual Assault 24-hour toll-free hotline and the Statewide Domestic Violence Database (Vadata), and (vi) promote interagency collaboration and cooperation to facilitate the appropriate response to victims of domestic violence. SB 1144 is identical.

HB 2461 Residential facilities; require contact person.

Amends and adds §§ in Title 22.1 and amends §§ 37.1-189.1, 63.2-1737, and 66-24 to require the Boards of Education; Mental Health, Mental Retardation and Substance Abuse Services; Social Services; and Juvenile Justice to promulgate regulations that address the services required to be provided in group homes and other residential facilities for children as they may deem appropriate to ensure the education, health, welfare, and safety of the juveniles (as relevant to the Department). In addition, each board's regulations must include, but need not be limited to (i) specifications for the structure and accommodations of such facilities according to the needs of the juveniles to be placed in the home or facility; (ii) rules concerning allowable activities, local government- and group home- or residential care facility-imposed curfews, and study, recreational, and bedtime hours; and (iii) a requirement that each home or facility have a community liaison who shall be responsible for facilitating cooperative relationships with the neighbors, the school system, local law enforcement, local government officials, and the community at large. SB 1304 is identical.

HB 2462 Workers' Compensation; certain participants in TANF not eligible.

Amends §§ 63.2-608 and §§ in Title 65.2 to provide that recipients of Temporary Assistance for Needy Families benefits who participate in the work experience component of the Virginia Initiative for Employment Not Welfare Program, and are not eligible for Medicaid, will be employees of the Commonwealth for purposes of the Workers' Compensation Act. Such recipients will not be eligible for wage replacement or death benefits.

HB 2512 Assisted living facilities; requires administrators to be licensed.

Amends and adds §§ in Titles 54.1 and 63.2 and amends § 2.2-703 to require administrators of assisted living facilities, except for those providing residential living care only, to be licensed by the Board of Long-Term Care Administrators within the Department of Health Professions. The bill renames the Board of Nursing Home Administrators as the Board of Long-Term Care Administrators. The Board shall adopt regulations by July 1, 2007, and the administrator licensing provisions shall not be implemented or enforced until 12 months after the regulations become effective. Permits the Commissioner of the Department of Social Services to issue an order of summary suspension of a license to operate an assisted living facility in cases of immediate and substantial threat to the health, safety, and welfare of residents or participants. Increases from \$500 to \$10,000 the maximum civil penalty for an assisted living facility out of compliance with licensure requirements. Requires medication aides in assisted living facilities to be registered by the Board of Nursing. Creates the Assisted Living Facility Education, Training, and Technical Assistance Fund. Requires applicants for licensure as an assisted living facility to undergo a background check. Requires each assisted living facility to provide written disclosure documents to residents and their legal representatives, if any, upon admission. Finally, requires the Department for the Aging's contract with the long-term

care ombudsman program to provide a minimum staffing ratio of one ombudsman to every 2000 long-term care beds, subject to sufficient funding. Through enactment clauses, charges the Department of Social Services with developing a training module for adult care licensing inspectors and integrating into regulations standards that are consistent with recommendations of the Department of Mental Health, Mental Retardation and Substance Abuse Services to ensure appropriate care for residents with behavioral health issues. SB 1183 is identical.

HB 2522 Emergency Medical Services Advisory Board; increase in membership & deletion of obsolete cross ref.

Amends § 32.1-111.10 to increase Board membership from 25 to 28 by including one representative from each of the regional emergency medical services councils. Current law states that each of the "eight" regional councils shall be represented, but 11 such councils actually exist. SB 1145 is similar.

HB 2656 Obstetrical and pediatric care; pilot programs in certain areas.

Amends §§ 54.1-2901 and 54.1-2957.01 and adds § 32.1-11.5 to permit the Board of Health to approve pilot programs to improve access to obstetrical and pediatric care in areas of the Commonwealth where these services are severely limited.

HB 2787 CSA Executive Council; change in membership.

Amends §§ 2.2-2101 and 2.2-2648 to add two General Assembly members to the State Executive Council for Comprehensive Services for At-Risk Youth and Families.

HB 2796 Suicide prevention; lead agency to be Department of Mental Health, etc., report.

Amends § 32.1-73.7 and adds § 37.1-24.001 to provide that the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) will be the lead agency for suicide prevention across the lifespan. DMHMRSAS will coordinate the activities of involved state agencies pertaining to suicide prevention in order to develop and carry out a comprehensive suicide prevention plan public awareness, the promotion of health development, early identification, intervention and treatment, and support to survivors. The Department of Health will continue to be responsible for youth suicide prevention. SB 889 is identical.

HB 2826 Brain Injury Waiver; licensing authority.

Amends §§ 37.1-179 and 51.5-14.1 to authorize the Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRSAS) to license providers of services under the Medicaid Brain Injury Waiver and providers of residential services for persons with brain injury. The bill defines "brain injury" for waiver purposes and requires the Department of Rehabilitative Services to collaborate with DMHMRSAS in the licensing of Brain Injury Waiver service providers. The bill requires the DMHMRSAS State Board to promulgate necessary regulations within 280 days of enactment. SB 1237 is identical.

HB 2881 Children's group homes and residential facilities; summary suspension of licenses.

Amends §§ 37.1-185 and 37.1-189.1 to authorize the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to issue an order of summary suspension of a license to operate a group home or residential facility for children, including homes or facilities licensed under core licensure regulations, in cases of immediate and substantial threat to the health, safety, and welfare of residents. The bill includes authority for emergency regulations. The Executive Secretary of the Supreme Court and the Department of Mental Health, Mental Retardation and Substance Abuse Services must establish a protocol for the expedited appointment of a hearing officer for the summary suspension of licenses in accordance with the provisions of this act. SB 1333 is identical.

HJ 657 Long-term care services; 'no wrong door' approach.

Requesting the Secretary of Health and Human Resources study of a "no wrong door" approach for long-term care services in the Commonwealth.

HJ 685 Youth group homes, private.

Establishing a joint subcommittee study of private youth and single family group homes in the Commonwealth. The joint subcommittee shall (i) analyze the licensing requirements and enforcement of licensing standards, the need to notify localities of licensing violations in those localities, the rationale for and impact of concentrations of homes in certain communities, the appropriate siting requirements for such homes, and other issues that affect the integration of youth group home residents into the community; and (ii) study the excessive concentration of single family group homes in certain neighborhoods, the adverse effects of this concentration on the residents of single family group homes, the adverse effects of this concentration on those neighborhoods, and feasible regulatory alternatives that

would result in more appropriate locations of single family group homes for the mutual benefit of the residents and the affected neighborhoods.

HJ 713 Study; workforce development and training.

Establishing a joint subcommittee to study the need for greater consolidation or coordination of the workforce development and training resources available in the Commonwealth.

SB 730 Local Boards of Social Services; membership.

Amends § 63.2-301 to shorten the intervening period during which persons are not eligible to serve on local social services boards from four years to two years after serving two consecutive terms. The bill does not affect any statutory appointment provisions that may exist for counties adopting special forms of government.

SB 753 Opiate addiction; standards for issuance of new licenses.

See summary for HB 1778, which is identical except the house bill does not have an emergency clause. Emergency.

SB 841 Prescription Drug Insurance Plan for Seniors.

See the summary for HB 1624, which is identical.

SB 843 Juveniles; mental health services transition plan.

See summary for HB 2245, which is identical.

SB 889 Suicide prevention; lead agency to be Department of Mental Health, etc., report.

See summary for HB 2796, which is identical.

SB 935 Caregivers Grant Program; extends sunset provision.

Amends § 63.2-2201 to extend the period for which grants under the Virginia Caregivers Grant Program can be provided from December 31, 2005, to December 31, 2010. The Virginia Caregivers Grant Program provides a limited number of \$500 grants to individuals who provide care to a physically or mentally impaired relative during more than half the year.

SB 953 Pharmaceutical assistance; maximizing benefits of Medicare discount card program.

Amends § 32.1-23.1 to maximize the benefits of the new Medicare pharmaceutical discount card program for Senior Citizens. The Commissioner of Health must annually for two years starting on July 1, 2005, (i) analyze access to The Pharmacy Connection program vis-à-vis the Medicare pharmaceutical discount card program, the \$600 transitional coverage provided under federal law, and pharmaceutical companies' offers of coverage for low-income seniors; and (ii) recommend, to the Virginia Health Care Foundation, the Secretary of Health and Human Resources, and the Governor, appropriate localities for expansion of access to The Pharmacy Connection program, particularly areas with high concentrations of low-income seniors. The goal of the Commissioner's analysis will be to facilitate statewide implementation of The Pharmacy Connection program. The Commissioner must complete this analysis by October 31 of each year and request cost estimates for any expansion.

SB 1023 Persons with mental illness, mental retardation or substance abuse; recodification of Title 37.1.

Amends and adds §§ in Title 2.2 and amends §§ in Titles 8.01, 16.1, 18.2, 19.2, 22.1, 33.1, 53.1-40.1, 54.1, 58.1, 63.2, and adds §§ in Title 37.2 and repeals §§ in Title 37.1 to recodify Title 37.1 as Title 37.2. The title is the legal authority for the Department of Mental Health, Mental Retardation and Substance Abuse Services, the Office of the Inspector General for Mental Health, Mental Retardation and Substance Abuse Services and the community services boards and behavioral health authorities. The title was last revised in 1968. The Virginia Code Commission has rewritten and combined sections or parts of sections to clarify provisions and to eliminate archaic, obsolete, or redundant language. Additionally, certain substantive changes are made, many of which reflect current practices, delete eliminated programs, or conform provisions to other statutes and regulations. The Virginia Code Commission has divided Title 37.2 into four subtitles: 1) general provisions applicable to the entire title; 2) mental health, mental retardation, and substance abuse services; 3) admissions and dispositions; and 4) guardianship, conservatorship, and judicial authorization of treatment provisions. Current §§ 37.1-207 and 37.1-207.1, relating to the Substance Abuse Services Council are relocated to Title 2.2 (Administration of Government) as part of the title revision.

SB 1097 Health Savings Account Plan.

See summary for HB 1492, which is identical.

SB 1143 Illegal aliens; eligibility for public benefits; proof of legal presence required.

See summary for HB 1798, which is identical.

SB 1144 Domestic violence and prevention services; responsibilities of Department.

See summary for HB 2433, which is identical.

SB 1145 Emergency Medical Services Advisory Board; increase in membership.

Amends § 32.1-111.10 to increase the State Emergency Medical Services Advisory Board from 25 to 28 members appointed by the Governor. The change reflects the increase in the number of regional emergency medical services councils. HB 2522 is similar.

SB 1146 Emergency Medical Services Plan, statewide.

See summary for HB 2253, which is identical.

SB 1183 Assisted living facilities; requires administrators to be licensed.

See summary for HB 2512, which is identical.

SB 1188 Interagency Coordinating Council; establishment of local early intervention systems.

Amends and adds §§ in Title 2.2 to authorize the state lead agency for early intervention to contract with local lead agencies for the implementation of local early intervention systems statewide. Under the bill, a local lead agency shall have the duty to (i) establish and administer a local system of early intervention services that are in compliance with all relevant federal and state policies and procedures, (ii) implement consistent and uniform policies and procedures for the determination of parental liability and fees for intervention services, and (iii) manage relevant state and federal early intervention funds for the local early intervention system.

SB 1237 Brain Injury Waiver; licensing authority.

See summary for HB 2826, which is identical.

SB 1304 Residential facilities for children; requires contact person.

See summary for HB 2461, which is identical.

SB 1333 Children's group homes and residential facilities; summary suspension of licenses.

See summary for HB 2881, which is identical.

SB 1344 Wheelchair interfacility transport services and vehicles; exemption from regulation.

Amends § 32.1-111.2 to exempt wheelchair interfacility transport services and vehicles from regulation under the emergency medical services law. Currently, a license must be obtained by the service and a permit must be obtained for the vehicle. Wheelchair interfacility transport services and vehicles are the entities engaged in the business, service, or regular activity, whether or not for profit, of transporting wheelchair-bound passengers between medical facilities in the Commonwealth.

SJ 324 Misdemeanors; needs of patients found not guilty by reason of insanity.

Directs the Joint Commission on Health Care, through its Behavioral Health Care Subcommittee, to study the needs of patients found not guilty by reason of insanity and persons found incompetent to stand trial, including examining discharge alternatives that will expedite return to the community and exploring the feasibility of coordination between the Department of Mental Health, Mental Retardation and Substance Abuse Services, local community services boards and the criminal justice system when an acquittee violates conditions of release that are not related to a psychiatric illness and therefore not appropriate for rehospitalization.

SJ 331 Adoption; laws and policies.

Establishing a joint subcommittee study of Virginia's adoption laws and policies.

Land use, zoning & housing

HB 1648 Division fences; construction.

Amends § 55-317 to modify Virginia's fence laws governing the construction of division fences by permitting all adjoining landowners to choose to let their land lie open and thereby avoid having to contribute to the fence construction cost. Under current law, owners of subdivided, commercial, or industrial property do not have the option of choosing to let their land lie open.

HB 1820 Eminent domain; regulations for condemnor's right of entry.

Amends § 25.1-203 to modify the provisions associated with a condemnor's entry onto property by (i) expanding the information provided in the initial request for permission to inspect and strengthening delivery requirements; (ii)

requiring that the notice of intent to enter be posted or otherwise delivered to the owner in person, in addition to being sent by certified mail; and (iii) providing that if the owner files an action to recover damages caused by entry and is awarded judgment in an amount 30 percent or more than the condemnor's final written offer, or if the court finds that the condemnor maliciously, willfully or recklessly damaged the owner's property, the court may award the owner reasonable court costs, attorney fees, and fees for up to three expert witnesses testifying at trial.

HB 1821 Eminent domain; procedure for acquisition of property by State.

Amends §§ 25.1-204 and 25.1-245 to modify the provisions associated with acquisitions under eminent domain by (i) requiring that a state agency's acquisition of real property be conducted in accordance with provisions that are only precatory under current law, including that the state agency establish an initial amount that is no less than the agency's approved appraisal of the fair market value of the property and that no owner can be required to surrender possession until the state agency pays the agreed purchase price or deposits funds with the court, and (ii) providing that if an owner is awarded at trial as compensation for the taking of or damage to property an amount that is 30 percent or more greater than the amount of the petitioner's written offer, the court may award the owner reasonable appraisal and engineering fees, and reasonable fees and travel costs for up to three expert witnesses testifying at trial. The cost award provisions do not apply to cases involving easements valued at less than \$10,000 or to cases in which a petition in condemnation or certificate of take or deposit was filed prior to July 1, 2005.

HB 1891 Automobile graveyard; definition.

Amends § 33.1-348 to amend the definition of "automobile graveyard." A location is defined as an "automobile graveyard" even if the inoperable vehicles stored there are rearranged within the existing lot.

HB 1892 Manufactured housing; disposal thereof paid by owner of property after sheriff's sale of goods.

Amends § 8.01-156 to authorize the sheriff, pursuant to an action of ejectment or unlawful detainer and at the request of the owner of the property upon which the home is located, to move a manufactured home to a designated storage area. Any excess costs relating to disposal of a manufactured home that remain after a sheriff's sale shall be paid by the owner of the property from which the home was removed. The sheriff may refuse to remove or dispose of a manufactured home until the owner of the real property pays to the sheriff the estimated removal and disposition costs.

HB 2031 Dams; authorizing localities to map inundation zones.

Amends § 10.1-603.19 and adds § 10.1-606.1 to authorize localities to map inundation zones for those areas that may be threatened by a break in a dam, and encourages localities to incorporate this information into their zoning and subdivision ordinances. The bill also authorizes the Director of the Department of Conservation and Recreation to award grants to assist with mapping and digitization of dam break inundation zones.

HB 2159 Zoning administrator may grant modifications from physical limits in zoning ordinance.

Amends §§ 15.2-2286, 15.2-2311 and 15.2-2314 to allow localities to authorize the zoning administrator a modification from the zoning ordinance requirements related to the size, height, location or features of any building or parcel of land. SB 1086 is identical, except that the names of cities are used in place of population brackets in § 15.2-2286(A)(3).

HB 2260 Certain historic buildings; pharmacy signage.

Amends § 54.1-3433 to create an exemption for certain historic buildings not currently operated as pharmacies, allowing such buildings to post signage indicating the operation of a pharmacy or drugstore provided that the signage relates to the historic character of the building. Currently, such signage is prohibited by the state law on any building that does not operate as a pharmacy.

HB 2282 Sport shooting ranges; broadens existing noise grandfathering provision.

Amends § 15.2-917 to provide that no locality shall submit a sport shooting range to noise control standards more stringent than those in effect at the time an application was submitted for construction or operation of the range. The existing law refers to the time of construction, not the time of application.

HB 2377 Inoperable motor vehicles; conforms civil penalty provisions.

Amends § 15.2-904 to conform civil penalty provisions for violations of inoperable motor vehicle ordinances to those currently existing for zoning violations.

HB 2386 Conveyance of easements; eliminates public hearing requirement.

Amends § 15.2-1800 to eliminate the public hearing requirement for localities that convey site development easements across public property that are for the benefit of the public.

HB 2407 Comprehensive plans; includes provisions for elderly and persons with disabilities.

Amends § 15.2-2223 to authorize localities to identify the needs of the elderly, persons with disabilities, age-restricted housing, nursing homes and assisted living facilities in comprehensive plans. The bill provides that localities shall implement these provisions by July 1, 2008. SB 1238 is identical.

HB 2447 Residential Landlord and Tenant Act; drug activities by tenants, forfeiture.

Amends §§ 19.2-386.8 and 55-248.31 to clarify that any illegal drug activity involving a controlled substance, as used or defined by the Drug Control Act (§ 54-3400 et seq.), by the tenant, his authorized occupants, guests or invitees, shall constitute an immediate nonremediable violation for which the landlord may proceed to terminate the tenancy without the necessity of waiting for a conviction of any criminal offense that may arise out of the same actions. The bill provides that to obtain an order of possession from a court of competent jurisdiction terminating the tenancy for illegal drug activity or for any other action that involves or constitutes a criminal or willful act, the landlord shall prove any such violations by a preponderance of the evidence. The bill also provides that the landlord's property is not forfeited in cases where the conduct giving rise to forfeiture was committed by a tenant of a residential or commercial property owned by the landlord, and the landlord did not know or have reason to know of the tenant's conduct. However, where the illegal drug activity is engaged in by a tenant's authorized occupants, or guests or invitees, the tenant shall be presumed to have knowledge of such illegal drug activity unless the presumption is rebutted by a preponderance of the evidence.

HB 2456 Zoning ordinances; cash proffers requested or accepted by a locality.

Adds § 15.2-2303.3 to restate current law that cash proffers are voluntary, which infers they may not be required prior to issuance of a building permit; however, a landowner may voluntarily agree to an earlier payment. Puts a growth rate cap on pledges of either the Consumer Price Index or the Marshall and Swift Building Cost Index.

HB 2695 Zoning Ordinances; protection of commercial fishing operations.

Adds § 15.2-2307.1 to basically legalize what were some illegal uses that did not qualify as nonconforming uses, limited to certain commercial fishermen's and seafood buyers properties. The protection granted by this section shall continue so long as the property is owned by the current owner or a family member of the owner.

HB 2788 Land preservation tax credit; transfer to other taxpayers.

An Act to allow the Tax Commissioner to determine if a taxpayer may transfer certain unused credits if he acted in good faith based on erroneous information.

HB 2865 Water & sewer systems; requiring developers, etc. to connect to public systems.

Amends §§ 15.2-2121 and 15.2-2242 to allow localities to require developers to extend and connect to abutting or adjacent public water or sewer systems. Also, localities may require that all buildings constructed on lots resulting from subdivision of a larger tract that abuts or adjoins a public water or sewer system or main shall be connected to that public water or sewer system.

HB 2888 Proffered funds; localities must begin construction of improvements within 7 years of receipt.

Amends § 15.2-2303.2 to make numerous changes to the existing law on the use of cash proffers by localities, including amendments that provide that any locality accepting a cash payment voluntarily proffered on or after July 1, 2005 shall within seven years of receiving full payment begin construction, land acquisition, planning or other actions for which the cash payment was proffered. A locality that fails to begin construction of the improvements for which the cash payment was proffered within said seven years, or fails to make other authorized alternative improvements, shall pay the amount of that proffered cash payment to the Commonwealth Transportation Board for allocation to the appropriate construction program or, in the case of educational proffers, use the funds for related educational purposes.

HB 2936 Natural cut Christmas trees; use in certain place of worship and apartment dwelling units.

An Act to provide that emergency regulations adopted by the Board of Housing and Community Development in accordance with Chapter 138 of the Acts of Assembly of 2004 shall remain in full force and effect until a regulation to replace the emergency regulation is adopted in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) or July 2006, whichever occurs first.

SB 301 Eminent domain; condemned property be put to use within 10 years, exception.

Adds § 25.1-108 to provide that if property acquired by the power of eminent domain is declared surplus within 15 years of the condemnor's being vested with title, the condemnor must offer to sell the property to the former owner

at the original sale price plus interest at an annual rate of six percent, with price adjustments made for any improvements to the property.

SB 906 Property Owners' Association Act; application to development est. under Subdivided Land Sales Act.

Amends § 55-508 to clarify that developments established prior to the enactment of the Subdivided Land Sales Act may specifically provide for the applicability of the provisions of the Property Owners' Association Act.

SB 921 Boundary lines; relocation or alteration by recordation of a deed.

Amends § 15.2-2275 to authorize localities to allow relocation or alteration of lot lines by recordation of a deed, without the requirement for a subdivision plat.

SB 926 Public easements; provisions for relocation.

Amends § 15.2-2265 to provide that public easements (except those for public passage, easements containing improvements, those that contain private utility facilities, or common or shared easements for the use of franchised cable operators and public service corporations), may be relocated by recordation of plat signed by the owner of the real property, approved by an authorized official of a locality. Stormwater easements for conveyance of drainage from a public roadway shall first be determined by the responsible official that the relocation does not threaten the integrity of the roadway or public passage. Provides for clerk indexing.

SB 1086 Zoning appeals, boards of; changes in provisions.

See summary for HB 2159, which is identical except for using the names of localities instead of population brackets in § 15.2-2286(A)(3).

SB 1160 Airport noise zones; regulations.

Amends § 15.2-2295 to provide that any locality in whose jurisdiction a United States Master Jet Base is located or any adjacent locality may adopt and enforce building regulations relating to the provision or installation of acoustical treatment measures applicable to certain nonresidential buildings and structures.

SB 1161 Residential Property Disclosure Act; property adjacent to a military air installation.

Amends and adds §§ in Title 55 to require the owner of residential real property in a locality in which a military air station is located to disclose to a purchaser that the property is located in a noise zone or an accident potential zone, or both. Under the bill, the purchaser's remedies for nondisclosure or inaccurate disclosure include termination of the contract of sale or actual damages.

SB 1162 Residential Landlord & Tenant Act; properties adjacent to U.S. Master Jet Base.

Adds § 55-248.12:1 to require the landlord of property in a locality in which a military air station is located to provide prospective tenants with a written disclosure that the property is located in a noise zone or accident potential zone as designated by the locality's official zoning map. Under the bill, termination of the lease agreement is the exclusive remedy for the failure to comply with the disclosure provisions.

SB 1220 Zoning ordinances; notice for rezoning near public-use airports.

Amends § 15.2-2204 to add licensed public-use airports to those entities that shall receive written notice of certain planning and zoning proposals that are located within 3,000 feet of a boundary of the entity.

SB 1238 Comprehensive plan; to include accessible housing.

See summary for HB 2407, which is identical.

SB 1313 Inoperable motor vehicles; owner actively restoring, etc. & must be shielded or screened from view.

Amends §§ 15.2-904 and 15.2-905 to clarify that for vehicles being repaired or restored, the second vehicle (parts car) must also be screened from view. Technical clarification of 2004 legislation.

SJ 367 Private landowners; preservation of forestlands.

Requesting the Board of Forestry to continue its study of providing incentives to private landowners to hold and preserve their forestland.

SJ 376 Nonprofit organizations; exemption from zoning provisions of those that construct low-income housing

Directing the Virginia Housing Commission to study the feasibility of exempting nonprofit organizations that construct housing for low-income persons from zoning provisions that limit how and when property may be subdivided into individual lots.

Personnel, benefits & compensation

HB 1567 Workers' comp.; volunteer emergency response & medical reserve corp.

Amends § 65.2-101 to provide that those volunteer members of community emergency response teams and volunteer members of medical reserve corps who have been acknowledged as employees by the local governing body or state institution of higher education in which the principal office of their team or corps is located are employees of that local government or state institution for workers' compensation purposes.

HB 1651 Optional life, accidental death and dismemberment insurance; increased.

Amends § 51.1-512 to increase from \$500,000 to \$600,000 the amount of optional life, accidental death, and dismemberment insurance that employees may purchase. The bill also provides for a review period of at least once every five calendar years.

HB 1652 LEORS and SPORS; changes in.

Amends §§ in Title 51.1 to eliminate the retirement option of 50 years of age with 10 years of service, since other Code sections allow retirement at age 50 with five years of service.

HB 1653 VRS; changes in life insurance benefits.

Amends § 51.1-505 to clarify that an employee with 20 years creditable service with a retirement plan administered by the VRS or any other public plan participating in the group life insurance program will have life insurance based on two times his highest annual salary earned during such employment.

HB 1738 Line of Duty Act; state and local employees called to active military duty

Amends §§ 9.1-400 and 44-93.1 to extend the Act's benefits to state public safety employees whose disabilities occurred on or after January 1, 1972. The bill also requires the state to provide an additional death benefit in the amount of \$20,000 for every employee of the Commonwealth or of a political subdivision called to federal active duty services since October 2001 to be paid if the employee is killed in action in any armed conflict while serving in the armed services or with any reserve component of these services. HB 1793 is identical.

HB 1793 Line of Duty Act; state and local employees called to active military duty

See summary for HB 1738, which is identical.

HB 1834 Discrimination; length of time to report complaint.

Amends § 40.1-51.2:2 to prohibit an employee from seeking relief via the administrative process through the Commissioner of Labor and Industry for discharge or discrimination as a result of reporting health or safety violations if the employee does not file his complaint within 60 days after the discharge or discrimination occurred. SB 971 is identical.

HB 1863 Workers' compensation; failure to insure payment, penalty.

Amends §§ 65.2-805 and 65.2-806 to provide for imposition of civil and criminal penalties on employers that fail to insure payment of workers' compensation to their employees, and for imposition of civil penalties on employers that fail to comply with requirements governing professional employer organizations.

HB 1920 Retirement System; purchase of prior service for retirement.

Amends § 51.1-142.2 to provide that in cases where an employee is purchasing prior service credit at a cost of 5 percent of current compensation or average final compensation, whichever is greater, if the employee uses pre-tax or post-tax deductions to purchase the service, then the cost of the service shall be 5 percent of current compensation even if this is less than 5 percent of average final compensation.

HB 1925 Health insurance; credits for retired constitutional officers or social services boards.

Amends § 51.1-1403 to provide that a person with 15 or more years of total creditable service as a constitutional officer or an employee of a local social services board who becomes employed by a local government that does not elect to provide the health insurance credit, shall be eligible for the health insurance credit made available to persons retiring as local constitutional officers or employees of local social services boards. The bill codifies language currently in the appropriations act.

HB 1927 Retirement System; suspension of retirement payments when in covered position.

Amends §§ 51.1-126 and 51.1-155 to clarify that retirement payments are suspended whenever the member is employed in a position covered by any of the retirement plans administered by the Virginia Retirement System.

HB 1929 Social Security Act; locality to have members in Retirement System if entered in plan of agreement.

Amends and adds §§ in Title 51.1 to require that a local governing body's resolution requesting that its eligible employees become members of the Virginia Retirement System shall not be approved by the Board of Trustees of the VRS unless the locality has first entered into a plan of agreement to extend benefits under the Social Security Act to its employees. The bill names the director of VRS as the state social security administrator.

HB 1930 Retirement system; optional benefits.

Amends § 51.1-165 to provide for a potentially greater retirement benefit when a member dies while in service and has named his spouse, minor child, or parent as a contingent annuitant under a joint and last-survivor optional retirement benefit.

HB 2050 Unemployment compensation; weekly benefit amount.

Amends § 60.2-602 to increase from \$2,500 to \$2,700 the wages an employee must have earned in the two highest earnings quarters of his base period (the first four of the five calendar quarters preceding application for benefits) in order to be eligible for unemployment compensation benefits, and increases the maximum weekly benefit from \$326 to \$330.

HB 2371 Unemployment compensation; disqualification for chronic absenteeism.

Amends § 60.2-618 to provide that chronic absenteeism or tardiness in deliberate violation of a known policy of the employer, or unapproved absence following written reprimand or warning, is misconduct that may result in disqualification for unemployment compensation benefits.

HB 2393 Employee's day of rest; abolished.

Repeals §§ 40.1-28.1 through 40.1-28.4:1 to repeal the statutory provisions governing the employee day of rest requirements.

HB 2416 Unemployment compensation; changes in provisions.

Amends §§ 60.2-119 and 60.2-528 to replace obsolete references to Operation Desert Shield and Operation Desert Storm with a broad reference to "international conflict," and removes a reference to a repealed Code section.

HB 2428 Disabled Veterans; additional consideration in hiring.

Amends §§ 2.2-2903 and 15.2-1509 to require the state in its employment selection practices to give additional consideration to veterans who have a service-connected disability rating fixed by the United States Veterans Administration. The bill also requires local governing bodies to give similar preference to veterans in their hiring policies and practices.

HB 2669 Public safety personnel; certain persons exempt from liability, extends sunset provision.

Amends § 8.01-225 to define "first responders" under the administration of smallpox vaccine provision, who are exempt from liability as any law-enforcement officer, firefighter, emergency medical personnel, or other public safety personnel functioning in a role identified by a federal, state, or local emergency response plan. The bill also extends the effect of such smallpox vaccine provisions from July 1, 2005 to July 1, 2008.

HB 2700 Workers' compensation; coverage for first responders during state of emergency.

Adds § 65.2-103 to provide that injuries to first responders incurred while traveling from home or another location outside a work location to that work location are deemed to be within the scope of employment for purposes of the Workers' Compensation Act, if a state of emergency is in effect.

HB 2746 Retirement System; liability protection for governing body of any county, city, or town.

Amends § 51.1-803 to provide that a local government that establishes a retirement system shall not be liable for any loss resulting from the governing body's selection of an individual retirement plan provider, or investment product in the case of an automatic rollover of a mandatory cash-out, when the selection of the provider or product is made in accordance with safe harbor guidelines adopted by the United States Department of Labor.

HB 2765 Health insurance; credits for retired general registrars and their retired employees.

Amends § 51.1-1403 to add retired general registrars and their retired employees who rendered at least 15 years of creditable service to the list of those who will receive a health insurance credit to their monthly retirement allowance under the Virginia Retirement System.

HB 2775 Workers' compensation; limitation of filing of claim by September 11, 2001, rescue & relief workers.

Amends § 65.2-406 to allow an employee suffering from a disease directly attributable to 9/11 rescue and relief efforts two years after the employee first learns of the disease diagnosis within which to file claim.

HB 2840 Unemployment compensation; weekly benefit amount.

Amends § 60.2-603 to increase the cap on allowable weekly wages for eligible individuals prior to benefit offset from \$25 to \$50.

HB 2907 Employment discrimination; causes of action in cases alleging.

Amends § 2.2-2639 to increase from 180 to 300 days, the time within which an action may be brought by an employee challenging an unlawful discharge matching the time limit under federal law. SB 1258 is identical.

SB 128 Unemployment compensation; eliminates offset for retirement benefits.

Amends § 60.2-604 to eliminate the offset for Social Security or Railroad Retirement Act benefits during periods when the unemployment trust fund has a solvency level of 50 percent or more. When the trust fund's solvency level is below 50 percent, weekly unemployment benefits will continue to be reduced by 50 percent of the amount of such retirement benefits.

SB 873 Law-enforcement employees; overtime compensation.

Amends §§ 9.1-700 through 9.1-704 to add certain law-enforcement employees to the current overtime compensation provisions for fire protection employees. For purposes of computing law-enforcement employees' entitlement to overtime compensation for regularly scheduled work hours, all hours in which an employee works or is in a paid status shall be counted as hours of work.

SB 894 Social services, local department; grievance procedures.

An Act to require a local social service department or local board to adopt a grievance procedure that is either (i) adopted by the locality, or (ii) approved by the State Board of Social Services, consistent with the state grievance procedure.

SB 971 Labor discrimination; reporting complaint within 60 days after occurrence.

See summary for HB 1834, which is identical.

SB 1047 Unemployment compensation; independent contractor.

Amends § 60.2-212 to require the Commission to use the 20-factor test set forth in an Internal Revenue Service Revenue Ruling in determining whether an individual is an employee for purposes of the Virginia Unemployment Compensation Act.

SB 1079 Employment discrimination; causes of action in cases alleging.

Amends § 2.2-2639 to provide that the current limitation of 180 days from the discharge for bringing a court action alleging employment discrimination is extended in instances where the employee has filed a discrimination complaint with the Virginia Human Rights Council or a local human rights or human relations agency. In such instances the time for bringing the court action is 90 days from the date that the Council or a local human rights or human relations agency or commission has rendered a final disposition on the complaint.

SB 1258 Employment discrimination; causes of action in cases alleging.

See summary for HB 2907, which is identical.

Procurement

HB 1945 Public-Private Education Facilities and Infrastructure Act of 2002; definition of qualifying project.

Amends § 56-575.1 to expand the definition of "qualifying project" to include any necessary or desirable improvements to any unimproved state or local government-owned real estate.

HB 2151 Procurement Act; preference for Virginia residents.

Amends § 2.2-4324 to require that whenever the lowest responsive and responsible bidder is a resident of any other state and such state under its laws allows a resident contractor of that state a preference, a like preference shall be allowed to the lowest responsible bidder who is a resident of Virginia. If the lowest bidder is a resident of another state with an absolute preference, that bid shall not be considered. The authority to do this is currently optional. The Department of General Services must post and maintain certain information on its website regarding preferences provided by other states.

HB 2283 Procurement Act, Public; provision of default contract claim procedure.

Amends § 2.2-4363 to provide a default contract claim procedure in the event a public body has not included such a procedure in the procurement contract. The bill also provides that a failure of a public body to render a final decision on a contractual claim shall be deemed a denial of the claim, for which the contractor would have the right to institute legal action.

HB 2326 Sheltered workshops; regulations to support.

Amends § 2.2-1111 to require the Division of Purchases and Supply to adopt regulations that establish conditions under which a public body shall demonstrate a good faith effort to ensure that state contracts or subcontracts for goods or services that involve the manual packaging of bulk supplies or the manual assemblage of goods where individual items weigh less than 50 pounds be offered to nonprofit sheltered workshops or other nonprofit organizations that offer transitional or supported employment services for the handicapped.

HB 2666 Public-Private Transportation Act; provisions for streamlining and enhancing.

Amends and adds §§ in Title 56 to make several revisions to the Public Private Transportation Act (PPTA). The bill authorizes the establishment of an interim agreement to provide for partial planning and development activities while other aspects of a qualifying transportation project are being negotiated and analyzed. The bill also (i) authorizes a private entity to request approval of multiple responsible public entities (RPEs) in proposed projects involving multimodal transportation facilities, (ii) authorizes RPE's to enter into comprehensive agreements with multiple private entities, (iii) requires the responsible public entity to protect confidential information submitted by a private entity, and (iv) adds factors that an RPE may consider when selecting proposals. The bill requires the Secretary of Transportation to revise existing state guidelines pertaining to the PPTA by October 1, 2005 and includes a provision allowing application of the revisions made by the legislation to certain existing qualifying transportation facilities. SB 1108 is identical.

SB 1107 Public Private Education Facilities and Infrastructure Act of 2002; changes in provisions.

Amends and adds §§ in Title 56 to revise the Public Private Education Facilities and Infrastructure Act of 2002 (PPEA) Authorizes an interim agreement for partial planning and development activities while other aspects of a qualifying project are being negotiated and analyzed. Also (i) requires formal timelines for the review of proposals, (ii) provides for accelerated review for priority projects, and (iii) adds factors that a responsible public entity may consider when selecting proposals. Chairs of the General Laws Committees will convene a work group to revise the current model guidelines by September 30, 2005.

SB 1108 Public-Private Transportation Act; changes in provisions.

See summary for HB 2666, which is identical.

Public safety

HB 1513 Prisoners; escape from custody without violence.

Amends § 18.2-479 to provide that if any person lawfully confined in jail or in the custody of any court or court officer or of any law-enforcement officer, for a probation or parole violation, escapes, other than by force or violence or by setting fire to the jail, he is guilty of a Class 1 misdemeanor. Currently, misdemeanor escape is punishable only when the person is being held on a misdemeanor charge or conviction.

HB 1605 Amber lights; neighborhood watch patrol vehicles.

Amends § 46.2-1025 to allow use of amber warning lights by neighborhood watch patrol vehicles.

HB 1620 Homicide; penalty for shooting into a vehicle or building.

Amends §§ 18.2-154 and 18.2-279 to specify that a death resulting from maliciously shooting or throwing a missile at a vehicle or occupied building is second degree murder unless the homicide is willful, deliberate and premeditated, in which case it is first degree murder.

HB 1666 Conservators of the peace; attorneys for Commonwealth.

Amends § 19.2-12 to provide that attorneys for the Commonwealth are conservators of the peace.

HB 1674 Traffic incidents; localities may seek reimbursement of expenses from juveniles.

Amends § 15.2-1716 to include juvenile defendants in existing provisions that allow localities to seek reimbursement of expenses related to providing an emergency response to certain traffic and DUI incidents.

HB 1676 Criminal history record check: Free for Crime Stoppers, Solvers or Line program board member.

Amends § 19.2-389 to provide that any board member or any person who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program shall not be required to pay for a criminal history records check for appointment to such a board.

HB 1703 Volunteer firefighters; exempts minors aged 16 years or older from child labor provisions.

Amends §§ 40.1-79.1 and 40.1-100 to provide that ordinances of counties, cities and towns authorizing participation by minors aged 16 years or older in volunteer fire companies apply to minors resident anywhere in the Commonwealth. The measure also provides that localities by ordinance may authorize such minors to seek firefighter certification. Such minors who are members of a volunteer fire company are exempted from child labor provisions while participating in all activities of a volunteer fire company, but shall not enter a burning structure prior to obtaining firefighter certification except where such entry is necessary to obtain the firefighter certification. Emergency.

HB 1722 Reckless driving; restricted license.

Amends § 46.2-393 to allow a judge to issue a restricted license when he has suspended the license of someone convicted of certain reckless driving offenses. Although discretionary with the judge, the period of suspension for these offenses is not less than 60 days nor more than six months. Another statute (§ 46.2-392) provides for a period of suspension of not less than 10 days nor more than six months for reckless driving and allows restricted licenses.

HB 1741 Filming, videotaping or photographing without permission.

Amends § 18.2-386.1 to provide that the knowing and intentional creation of a videotape, photograph, film or videographic or still image record created by placing the lens or image-gathering component of a recording device directly beneath or between a person's legs for the purpose of capturing an image of the person's undergarments or intimate parts, when the undergarments or intimate parts, would not otherwise be visible to the general public is punishable as a Class 1 misdemeanor, or a Class 6 felony if the nonconsenting person is under the age of 18.

HB 1756 Watercraft or motorboat; involuntary manslaughter while driving intoxicated.

Amends §§ 46.2-208 and 46.2-382 and adds § 18.2-36.2 to provide that any person who, as a result of operating a watercraft or motorboat while intoxicated, unintentionally causes the death of another person, is guilty of involuntary manslaughter.

HB 1763 Public Safety, Secretary of; offender transition and services.

Adds § 2.2-221.1 to require the Secretary of Public Safety to establish a system for coordinating offender transitional and reentry services among state, local, and non-profit agencies. The bill also states the intent of the General Assembly is that funds used for these purposes be leveraged to the fullest extent possible.

HB 1883 Bicycles; use of lights.

Amends § 46.2-1015 to require a taillight that emits a red light visible from a distance of at least 500 feet between sunset and sunrise on highways with speed limits of 35 mph or greater.

HB 1896 DUI; penalty while having Schedule I & II drugs in blood.

Amends §§ in Title 18.2, 29.1, and 46.2 to make it a violation of the driving while intoxicated statute to drive with specified levels of the following illegal drugs in one's blood: cocaine, methamphetamine, phencyclidine (PCP) and methylenedioxymethamphetamine (MDMA ecstasy).

HB 1966 Terrorism intelligence center; established within Dept. of State Police.

Adds § 52-47 to require the Governor to establish a multi-agency fusion intelligence center to receive and coordinate terrorist-related intelligence. The center shall be operated by the Department of State Police in cooperation with the Department of Emergency Management.

HB 1974 Methamphetamine, methcathinone, amphetamine, or phentermine, etc.; unlawful possession, penalty.

Amends § 18.2-248 to provide that any person who possesses any two or more of the following substances with the intent to manufacture methamphetamine, methcathinone or amphetamine is guilty of a Class 6 felony: liquified ammonia, ether, hypophosphorus acid solutions, hypophosphite salts, hydrochloric acid, iodine crystals or tincture of iodine, phenylacetone, phenylacetic acid, red phosphorus, methylamine, methyl formamide, lithium metal, sodium metal, sulfuric acid, sodium hydroxide, potassium dichromate, sodium dichromate, potassium permanganate, chromium trioxide, methylbenzene, methamphetamine precursor drugs, sodium hydroxide, trichlorethane, or 2-propanone. The bill also requires the Virginia Department of State Police, Department of Environmental Quality, Department of Health, and Division of Forensic Science to establish a multi-agency work group to develop a best-

practices protocol for use by law-enforcement and emergency response agencies regarding the clean-up of abandoned and deactivated methamphetamine production sites. SB 1121 is identical.

HB 1983 Video display in motor vehicles; prohibits in view of driver.

Amends § 46.2-1077 to prohibit drivers of motor vehicles from viewing any motion picture or video display while driving, except for displays that are specifically authorized, such as electronic displays used with vehicle navigation systems.

HB 1997 Sex offenders; release of information.

Amends and adds §§ in Title 37.1 and amends §§ 9.1-101, 19.2-389, 19.2-389.1 to make numerous changes authorizing the release of various information concerning the offender to the Attorney General, mental health examiners and the Department of Mental Health, Mental Retardation and Substance Abuse Services. The bill provides that the Office of the Attorney General is a criminal justice agency. The bill increases the number of prisoners eligible for commitment by providing that someone who is serving concurrent or consecutive time for a non-sexually violent offense in addition to his time for a sexually violent offense will be assessed for possible commitment. The bill redefines "sexually violent offense" to include the commission of aggravated sexual battery against a person younger than 13 and assures that a committed person who commits a jailable offense will be returned to the custody of DMHMRSAS. Emergency.

HB 2032 Powers and duties of Department of Emergency Management; FOIA.

Amends §§ 2.2-3705.7 and 44-146.18 to provide that the Department of Emergency Management shall be responsible for the coordination, receipt, evaluation, and dissemination of emergency services intelligence and shall coordinate intelligence activities with the Department of State Police. The bill also creates a records exemption under the Virginia Freedom of Information Act for certain information submitted by an individual or agency for participation in the Statewide Alert Network where the release of such information would compromise the security of the Network or individuals.

HB 2059 Credit cards; unlawful use of scanning devices and re-encoders.

Adds § 18.2-196.1 to punish as a Class 1 misdemeanor the malicious and unauthorized use of a scanner or re-encoder to unlawfully reproduce the information in the magnetic stripe of a payment card and as a Class 6 felony if the person sells or distributes such information to another or uses the information in the commission of another crime.

HB 2085 Conservation officers; expands jurisdiction and allows mutual aid agreements.

Amends §§ 10.1-116 and 15.2-1736 to expand the jurisdiction of conservation officers and allows the Department of Conservation and Recreation to enter mutual aid agreements with localities and others.

HB 2086 Conservation officers; change of powers.

Amends §§ 10.1-117 and 19.2-81 to grant conservation officers, as law-enforcement officers for the Department of Conservation and Recreation, the power to arrest without a warrant and also allows them to coordinate the investigation of felonies if requested by the chief law-enforcement officer of a locality. This bill deletes all references to conservation officers as conservators of the peace.

HB 2114 Detention center incarceration program; shall not be in addition to an active sentence.

Amends § 19.2-316.2 to provide that a sentence to a Detention Center Incarceration Program shall not be in addition to an active sentence to a state correctional facility. SB 1168 is identical.

HB 2118 Blood alcohol tests in civil cases; admissibility of written results.

Amends § 19.2-187.02 and adds § 8.01-413.02 to make the written reports or records of blood alcohol tests conducted upon persons receiving medical treatment in a hospital or emergency room admissible in evidence in any civil proceeding as a business records exception to the hearsay rule. The reports or records may be disclosed in accordance with federal regulations, without consent or authorization. The protections against civil liability for those taking blood and conducting tests now applicable in criminal proceedings are extended to civil proceedings.

HB 2213 Prisoners; illegal to possess cellular telephone, penalty.

Adds a § 18.2-431.1 to create a Class 6 felony for a person without authorization to provide or cause to be provided a cellular telephone to an incarcerated prisoner, or for an incarcerated prisoner without authorization to possess a cellular telephone during the period of his incarceration.

HB 2216 Department of Forensic Science, the Forensic Science Board, Scientific Advisory Board; created.

Amends and adds §§ in Title 9.1 and amends §§ in Titles 2.2, 4.1, 18.2, 19.2, 46.2, 54.1-3404 to create the Department of Forensic Science within the executive branch of state government and assigns its powers and duties. The bill also creates the Forensic Science Board as a policy board, and the Scientific Advisory Board as an advisory board and likewise assigns their respective powers and duties. The bill also abolishes the Division of Forensic Science within the Department of Criminal Justice Services. SB 1153 is identical.

HB 2217 Gangs; punishment for activity taking place in school, etc., penalty.

Amends and adds §§ in Title 18.2 and amends §§ 19.2-11.2, 48-7, 48-8, and 48-9 to add to the list of crimes defined as "predicate criminal act" the following: § 18.2-42, assault by mob; § 18.2-56.1, reckless handling of a firearm; § 18.2-59, extorting money; § 18.2-286.1, shooting from a motor vehicle; § 18.2-287.4, carrying a loaded firearm in public areas in certain localities; and § 18.2-308.1, possession of a firearm, stun weapon or taser on school property. In addition, the bill provides that "predicate criminal act" includes the violation of any offense substantially similar to these newly added crimes as well as the existing listed crimes when committed in another state or territory of the United States, the District of Columbia, or the United States. The bill provides enhanced punishments for gang activities taking place at or near schools, colleges, and school buses. The bill allows a witness in a gang prosecution to request that certain information about the witness not be disclosed. Finally, the bill treats criminal street gangs as public nuisances and allows for the enjoinder of such nuisances. SB 1217 is identical.

HB 2238 Emergency medical services personnel training, response times.

Amends § 32.1-111.4 to require the State Board of Health to prescribe, in regulation, requirements for (i) training for emergency medical services personnel; (ii) a uniform definition of "response time" and requirements for measuring response times from the time a call is received until the time the unit is responding and the arrival at the scene as well as collection and reporting of emergency response times; and (iii) enforcement provisions, including civil penalties, to be assessed by the State Health Commissioner against any agency, or other entity found to be in violation of the emergency medical services statutes or regulations. All amounts paid as civil penalties are to be allocated to the emergency medical services special fund.

HB 2247 Sexual assault; crime when committed on physically helpless person.

Amends § 18.2-67.3 to provide that the crime of aggravated sexual battery, a felony punishable by up to 20 years in prison, is committed when a person sexually abuses a person of any age who is physically helpless. Currently, sexual abuse of a person who is physically helpless is only punishable as aggravated sexual battery if the abused person is 13 or 14 years old. Sexual abuse of any child under age 13 is aggravated sexual battery.

HB 2248 Sexual crimes against spouses; changes in provisions.

Amends and repeals §§ in Title 18.2 and amends §§ in Titles 9.1, 16.1, 17.1, 19.2 and 19.2 to eliminate in the rape, forcible sodomy and object sexual penetration statutes the different standard that defines the offense if the victim and perpetrator are married to each other. This includes removing from the forcible sodomy and object sexual penetration statutes the provision that such crimes cannot be committed against a spouse unless the spouses were living separate and apart or there was bodily injury caused by force or violence, as the 2002 General Assembly did in the rape statute (often called the marital rape exemption). Because of the equalization of the elements of the offense in the rape, forcible sodomy and object sexual penetration statutes, the marital sexual assault statute is repealed. The bill retains the provisions that allow for counseling and therapy, and allows discharge and dismissal if there has not been a previous discharge and dismissal under the statute.

HB 2255 Alcoholic beverages; underage drinking, possession of, etc.

Amends §§ 4.1-305, 4.1-306, and 16.1-278.9 to criminalize underage consumption and punishes anyone who aids or assists in providing alcohol to an underage person with a Class 1 misdemeanor.

HB 2275 Warning lights; use of red and white lights by Department of Environmental Quality.

Amends §§ 46.2-920 and 46.2-1023 to allow vehicles of the Department of Environmental Quality (DEQ) to be equipped with red or red and white warning lights and to pass slowed or stopped vehicles off the roadway on the way to an emergency when displaying these warning lights.

HB 2278 Oversize vehicles; driving into or through tunnels, penalty.

Amends § 46.2-1110 to provide that any person who drives or attempts to drive any vehicle into or through any tunnel when the height of such vehicle exceeds that permitted for such tunnel is guilty of a Class 3 misdemeanor (fine up to \$500) and will be assessed three driver demerit points.

HB 2288 Criminal investigation; obstruction of justice.

Amends § 18.2-462 to provide that any person with actual knowledge of the commission of a felony under Chapter 4 of Title 18.2 (Crimes Against the Person) by another, who willfully conceals, alters, dismembers, or destroys any item of physical evidence with the intent to delay, impede, obstruct, prevent, or hinder the investigation, apprehension, prosecution, conviction, or punishment of any person regarding such offense, is guilty of a Class 6 felony. This provision does not apply to the victim or the spouse, parent, grandparent child or grandchild, or sibling of the offender.

HB 2291 Controlled substances; raises penalty for manufacturing, selling, etc.

Amends § 18.2-248 to raise the penalty for manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance classified in Schedule III to a Class 5 felony from a Class 1 misdemeanor and a controlled substance classified in Schedule IV from a Class 1 misdemeanor to a Class 6 felony. If the violation involves an imitation controlled substance in Schedule III or IV, the penalty is raised from a Class 1 misdemeanor to a Class 6 felony. The bill also provides that an accommodation sale is a Class 1 misdemeanor.

HB 2369 Prisoners; individual court orders permitting work not required.

Amends § 53.1-129 to remove the requirement that court orders allowing prisoners to work on state, county, city, town, and certain private property or nonprofit organization property be written specifically for individual prisoners.

HB 2379 Emergency management; allows local director to enter into mutual aid arrangements.

Amends § 44-146.19 to allow a local director of emergency management to enter into mutual aid arrangements for reciprocal assistance in case of disaster with other states or localities within other states. Currently, directors are limited to making these arrangements with other public or private agencies within the state or with adjacent states. SB 766 is identical.

HB 2436 Prisoners; continued hospitalization of those involuntarily admitted.

Amends § 53.1-40.7 to provide that when there is no further need for involuntary hospitalization, a prisoner may be retained in the hospital if the prisoner is capable of and consents to voluntary admission, and is determined to be in need of continued hospitalization by a licensed physician, psychiatrist, or clinical psychologist.

HB 2438 Methamphetamine; manufacturing when person under 18 yrs. of age is present, penalty.

Amends and adds §§ in Title 18.2 to increase the penalty for manufacturing certain amounts of methamphetamine or less than 200 grams of a mixture containing methamphetamine from a range of five to 40 years to a range of 10 to 40 years. For a second conviction the range is increased from five years to life to 10 years to life, and for a third or subsequent conviction the range is established as 10 years to life with a mandatory minimum term of imprisonment of three years. There is a provision for the court to order restitution to an innocent property owner whose property is damaged, or rendered unusable, as a result of methamphetamine production. The bill makes it a felony punishable by imprisonment of 10 to 40 years for any person in a custodial relationship over a child under the age of 18 to knowingly allow that child to be present during the manufacture or attempted manufacture of methamphetamine. Certain state agencies are required to establish a multi-agency work group to create a best practices protocol for use by law-enforcement and emergency response agencies regarding the clean-up of abandoned and deactivated methamphetamine production sites. The Division of Forensic Science is required to create a best practices protocol regarding the retention and handling of the by-products of methamphetamine production after testing is conducted on behalf of law-enforcement officials. This bill is similar to SB 1156.

HB 2471 Computer Crimes Act; changes in provisions, penalty.

Amends, adds and repeals §§ in Title 18.2 and amends and adds §§ in Title 19.2 to update the Virginia Computer Crimes Act to modernize definitions and revise provisions regarding computer trespass. Provisions regarding computer invasion of privacy are rewritten to include unauthorized gathering of identifying information and Class 6 penalties added for persons with previous convictions, selling or distributing the information to another or using the information in the commission of another crime. The bill adds as a new Class 6 felony using a computer to fraudulently gather identifying information of another (phishing), unless the information is sold or distributed to another or the information is used in the commission of another crime, in which case it is a Class 5 felony. Statute of limitation and venue provisions are relocated in the Code. SB 1163 is identical.

HB 2508 Electronic summons; allows use for reportable motor vehicle violations.

Amends § 46.2-388 to provide that an electronic summons may be used in lieu of a paper summons for reportable motor vehicle violations as determined by law-enforcement.

HB 2520 Emergency services and preparedness personnel; immunity provisions.

Amends §§ in Title 2.2, and §§ 32.1-48.016, and 44-146.23 to amend the immunity provisions of the Virginia State Government Volunteers Act, the law relating to isolation of persons with communicable diseases of public health threat, and the emergency services and disaster statutes to cover persons who serve in a Medical Reserve Corps (MRC) unit or on a Community Emergency Response Team (CERT).

HB 2521 Emergency Medical Services; maintenance of services.

Amends § 15.2-955 to state that each locality shall seek to ensure that emergency medical services are maintained throughout the entire locality.

HB 2529 Probation and parole; notice of transfer hearing and court order for supervision.

Amends §§ 16.1-269.2 and 16.1-272 to require the attorney for the Commonwealth to notify the court service unit of the need for a transfer report upon motion of the Commonwealth for a juvenile transfer hearing. If a juvenile tried as an adult is sentenced as juvenile, the bill requires the clerk to provide a copy of the court's final order or judgment to the appropriate court service unit.

HB 2564 Sexual offenses; increase in penalty.

Amends §§ in Title 18.2 to provide that sexual abuse of a child age 13-17 by a parent, stepparent, grandparent or step-grandparent is aggravated sexual battery, which is punishable by a term of imprisonment of one to 20 years. The bill provides that for purposes of the crimes against nature statute, parent includes stepparent and grandparent includes step-grandparent. The bill raises the age in the indecent liberties section from age 14 to age 15 and provides that violation of that section and certain violations of taking indecent liberties with a child by a person in a custodial or supervisory relationship, if the child aged 15 to 17 and is a child, step-child, grandchild or step-grandchild of the perpetrator, is a Class 5 felony. If the child is less than 15 years of age it is a Class 4 felony. The bill amends the taking indecent liberties with child by a person in custodial or supervisory relationship to state that it does not apply if the child is emancipated or if the perpetrator is legally married to the child.

HB 2616 Dams; right of entry for inspection.

Amends § 10.1-610 to authorize the Soil and Water Conservation Board or its designees, to enter any property at a reasonable time and under reasonable circumstances in order to perform their dam safety responsibilities, provided they make a reasonable effort to obtain the consent of the landowner. If the landowner does not allow entry, they may apply to the magistrate for a warrant.

HB 2623 Indecent exposure; clarification of definition, penalty.

Adds § 18.2-387.1 to provide that a person who, while in a public place where others are present, intending that he be seen by others, intentionally and obscenely engages in actual or explicitly simulated acts of masturbation, is guilty of a Class 1 misdemeanor.

HB 2631 Computer crimes; changes in provisions, penalties.

Amends and adds §§ in Title 18.2 to revise provisions in the Virginia Computer Crimes Act relating to computer fraud and redefines computer invasion of privacy by including the unauthorized gathering of identifying information and punishes subsequent offenses and transferring the information to another or use of the information in the commission of another crime as a Class 6 felony. Currently, the offense is punishable as a Class 1 misdemeanor. Additionally, the fraudulent gathering of such information is punished as a Class 6 felony, a new crime, and transferring the information to another or use of the information in the commission of another crime is a Class 5 felony. SB 1002 is identical.

HB 2632 Central Criminal Records Exchange; law enforcement agencies to include photographs.

Amends and adds §§ in Title 19.2 to require, as of January 1, 2006, the law-enforcement agency making a report to the Exchange to include within its report, along with the fingerprints, a photograph of the individual arrested. The State Police and local law enforcement are required to establish written procedures for conducting in-person and photographic lineups. SB 1164 is identical.

HB 2655 Driving under influence of alcohol or drugs; refusal to take blood or breath test, penalty.

Amends §§ in Titles 18.2 and 46.2 to clarify provisions in the driving under the influence laws, particularly in the refusal statute. The bill states that a first offense of refusal is a civil offense and that subsequent offenses are criminal. Procedures for charging a person with refusal are specified. A law-enforcement officer will have to read the refusal form only to persons who refuse to take a blood or breath test. SB 1093 is identical.

HB 2657 Juvenile work release program.

Adds § 66-25.1:1 through 66-25.1:4 to authorize the Director to establish work release programs whereby (i) a juvenile who is proficient in any trade or occupation, and who meets the work release criteria established by the Director, may be approved for employment by private individuals, corporations, or state agencies at places of business; or (ii) a juvenile who the Director is satisfied meets the work release criteria and is capable of receiving substantial benefit from educational or other related community activity programs that are not available within a juvenile correctional center may attend such programs outside of the juvenile correctional facility. Requires the Department to provide juveniles committed to it with opportunities to work and participate in career training or technical education programs as operated by the Department or by the Department of Correctional Education, and sets forth provisions relating to eligibility for work release, compensation, custody, and penalties for violating the terms of work release. The bill provides that the Department shall promulgate emergency regulations, and provide the services set forth in the bill at one location on a pilot program basis beginning July 1, 2005, and ending July 1, 2006. The Department shall report to the General Assembly concerning the implementation of the pilot program. Aside from the pilot program, the bill has a delayed effective date of July 1, 2006.

HB 2667 Terrorism hoax; reimbursement of expenses.

Amends § 15.2-1716.1 to raise the flat fee that may be charged to a person convicted of certain terrorism hoax incidents in order to reimburse the locality for related expenses.

HB 2668 Driving under influence of alcohol or drugs; person taken to medical facility.

Amends § 19.2-73 to provide that if a person arrested for DUI has been taken to a medical facility for treatment or evaluation of his medical condition, the arresting officer at a medical facility may issue, on the premises of the medical facility, a summons for the DUI violation and for refusal of blood alcohol tests in lieu of securing a warrant. Currently, the summons is authorized only for a refusal.

HB 2690 Utility trailers; reflectors to be used on rear.

Amends § 46.2-1088.5 to limit present requirements for reflectors or reflectorized materials on the rear of trailers with unloaded weights of 3,000 pounds or less to utility trailers that do not require state safety inspection and whose body and tailgate consist largely or exclusively of a metal mesh.

HB 2716 Controlled substances; additions and deletions to Schedule I and II list.

Amends §§ in Title 54.1 to add and delete certain drugs to Schedule I and adds Dihydroetorphine, Carfentanil, and Sufentanil to Schedule II to conform to recent changes in federal drug schedules.

HB 2722 Juveniles; if adjudicated delinquent of certain crimes, unlawful to have firearm, etc. rest of life.

Amends § 18.2-308.2 to make it unlawful for a person adjudicated delinquent on or after July 1, 2005, of murder, kidnapping, armed robbery, or rape who was 14 years of age or older at the time of the offense to possess or transport firearms, stun weapons, tasers, or concealed weapons for the rest of his life. Under current law, such a person would be able to possess these weapons at age 29. Possession or transport of these weapons is a Class 6 felony. The mandatory minimum sentence of two years for a possession of a gun by a person who has been convicted of a felony is removed for persons whose felony conviction was more than ten years ago.

HB 2734 Gangs; reporting organized criminal activity and membership.

Amends and repeals §§ in Title 16.1; amends § 18.2-55.1 and adds § 52-8.6 to repeal a provision relating specifically to reporting of organized youth gang activity, and creates a general law-enforcement reporting requirement of all gang activity to the Organized Criminal Gang File in the Virginia Criminal Information Network and the Violent Criminal Gang File of the National Crime Information Center maintained by the Federal Bureau of Investigation.

HB 2786 Driving under influence of alcohol or drugs; includes operators of mopeds under law.

Amends § 18.2-266 to provide that the defined term "motor vehicle," which includes mopeds while operated on the public highways of this Commonwealth, applies to all of the provisions of the article of the Code establishing the DUI laws.

HB 2808 Misdemeanors; possession of warrant by law-enforcement officers not necessary when making arrest.

Amends § 19.2-81 to provide that when a law-enforcement officer makes an arrest upon a misdemeanor capias, it is not necessary that he have the capias in his possession.

HB 2836 Sex offenders; registration procedures.

Amends §§ in Title 9.1 to amend the Sex Offender and Crimes Against Minors Registry Act to add murder of a child under 18 to the list of crimes for which registration and internet posting is required, and sexual battery against a child under six by a perpetrator 18 or older to those crimes classified as sexually violent offenses. The bill requires that a sex offender who must register in his home state register in Virginia when he moves here, regardless of whether the underlying criminal offense is similar to a Virginia offense. The bill also requires the registration of a nonresident in Virginia for an extended visit (30 days or more). Finally, the bill clarifies that local law-enforcement agencies have the authority to enforce the provisions of the Act.

HB 2854 Hepatitis C; testing of persons convicted of certain crimes.

Amends § 18.2-346.1 to require hepatitis C testing of persons convicted under statutes prohibiting prostitution, crimes against nature and certain drug offenses indicating intravenous use. Under current law persons convicted of prostitution and crimes against nature must be tested for HIV. This bill adds drug crimes to that provision.

HB 2920 Diversion center incarceration program; shall not be in addition to an active sentence.

Amends § 19.2-316.3 to provide that participation in a diversion center incarceration program shall not be imposed in addition to an active sentence to a state correctional facility.

HJ 573 Gangs; criminal street conduct and characteristics.

Directing the Virginia State Crime Commission to study criminal street gang conduct and characteristics for the purpose of reducing the burden on prosecutors by producing a formal listing of gang names coupled with conduct and characteristics unique to those gangs.

SB 756 Fire bombs; definition.

Amends § 18.2-85 to amend the definition of a firebomb to clarify that it includes a wick composed of any material capable of igniting the flammable material or chemical compound inside a container.

SB 766 Mutual aid arrangements; allows director of emergency management to reciprocate.

See summary for HB 2379, which is identical.

SB 800 Disaster preparedness programs; continuity of operations (COOP) programs.

Amends § 44-146.18 to require that the State Department of Emergency Management provide guidance and assistance to state agencies and localities in developing and maintaining continuity of operations (COOP) programs.

SB 925 Video display in motor vehicles; prohibits obscene videos.

Adds § 46.2-1077.01 to make it unlawful (Class 4 misdemeanor, fine up to \$250) for the operator of any motor vehicle on a public highway to display or permit the display within the vehicle of any motion picture or video display that is obscene if such motion picture or video display can be seen by persons outside the vehicle.

SB 963 Statewide communications interoperability; ten years for local compliance.

Adds § 9.1-1100 to require the Governor to ensure that the annual review and update of the statewide interoperability strategic plan is accomplished and implemented. The bill also requires all state agencies and localities to achieve consistency with and support the goals of the plan by July 1, 2015, in order to remain eligible to receive state or federal funding for communication programs.

SB 987 Gas pipeline safety; regulation by SCC.

Amends and repeals §§ in Title 56 to authorize the State Corporation Commission to act for the U.S. Secretary of Transportation to conduct safety inspections pursuant to federal pipeline safety laws with respect to municipal gas systems. Such authority shall be exercised in a manner that is not inconsistent with federal law. An exit interview will be conducted after each inspection. The Commission is not authorized to impose civil penalties or fines on any locality, or to regulate the rates, charges, services, facilities, or service territory of any locality providing gas service, except as otherwise provided. As the Commission's pipeline safety program currently covers investor-owned and master-metered systems and intrastate hazardous liquid pipelines, this measure gives the Commission safety jurisdiction over all intrastate gas and hazardous liquid pipeline facilities. The measure also relocates provisions currently located in other Code sections, that address violations of pipeline safety codes and pipelines that transport landfill gas, into one Code section.

SB 988 Criminal Justice Services Board; increase of members.

Amends § 9.1-108 to increase the membership of the Criminal Justice Services Board from 27 to 28 by adding an active duty law-enforcement officer appointed after consideration of the names, if any, submitted by police or fraternal associations that have memberships of at least 1,000.

SB 1001 Computer crimes; punishment for interfering with computer systems, penalty.

Amends and repeals §§ in Title 18.2 and adds and repeals §§ in Title 19.2 to revise provisions in the Virginia Computer Crimes Act relating to theft of computer services, personal trespass by computer, embezzlement, larceny or receiving stolen goods by computer, and civil damages. The bill also relocates statute of limitation and venue provisions in the Code. HB 2471 and SB 1163 amend some of the same code sections.

SB 1002 Computer crimes; changes in provisions, penalties.

See summary for HB 2631, which is identical.

SB 1017 Detention of a mentally incapacitated person; judicial authorization.

Amends § 37.1-134.21 to clarify the provisions relating to judicial authorization of treatment, and defines "treatment". Further, the court's authority to dispense with service of the petition and notice of the hearing to the next of kin for persons who are patients in hospitals or state facilities is simplified by adding the condition that such patients have "no known guardian or legally authorized representative at the time" and authorizing dispensing of notice to the next of kin when "treatment is necessary to prevent imminent or irreversible harm."

SB 1070 Juveniles; emergency hospitalization prior to trial.

Amends §§ in Title 16.1 to add a procedure for the hospitalization of a juvenile who is in detention or shelter care for a criminal offense pursuant to an order of a juvenile and domestic relations district court.

SB 1093 Driving under influence of alcohol or drugs; refusal to take blood or breath test.

See summary for HB 2655, which is identical.

SB 1121 Methamphetamine precursor chemicals, unlawful possession; penalty.

See summary for HB 1974, which is identical.

SB 1147 Computer crimes; gathering personal information by deception (phishing), penalty.

Adds § 18.2-152.5:1 to make it a Class 6 felony to fraudulently obtain, record, or access from a computer the following identifying information of another: (i) social security number; (ii) driver's license number; (iii) bank account numbers; (iv) credit or debit card numbers; (v) personal identification numbers (PIN); (vi) electronic identification codes; (vii) automated or electronic signatures; (viii) biometric data; (ix) fingerprints; (x) passwords; or (xi) any other numbers or information that can be used to access a person's financial resources, obtain identification, act as identification, or obtain goods or services. Any person who sells or distributes such information or uses it to commit another crime is guilty of a Class 5 felony. The provisions of SB 1147 are also in SB 1163, but that bill is broader in scope.

SB 1153 Department of Forensic Science, Forensic Science Board and the Scientific Advisory Board created.

See summary for HB 2216, which is identical.

SB 1156 Methamphetamine; manufacturing when person under 18 yrs. of age is present, penalty.

Amends and adds §§ in Title 18.2 to increase the minimum penalty for manufacturing methamphetamine and imposes enhanced punishment for a second or subsequent offense, including three years mandatory minimum imprisonment for a third or subsequent offense. The bill also provides that any person 18 years of age or older who maintains a custodial relationship over a child under the age of 18 and who knowingly allows that child to be present in the same dwelling, apartment, hotel unit, garage, shed, or vehicle during the felonious manufacture or attempted manufacture of methamphetamine shall be imprisoned for not less than 10 nor more than 40 years to be served in addition to and consecutively with any other sentence. Certain state agencies are required to create a best practices protocol for use by law-enforcement and emergency response agencies regarding the clean-up of abandoned and deactivated methamphetamine production sites and for the retention and handling of methamphetamine by-products. This bill is similar to HB 2438.

SB 1163 Computer Crimes Act; reduces thresholds for damages and punishment.

See summary for HB 2471, which is identical.

SB 1164 Central Criminal Records Exchange; law-enforcement agencies to include photographs

See summary for HB 2632, which is identical.

SB 1165 Indigent Defense Commission; required to report periodically to State Crime Commission.

Amends § 19.2-163.01 to require the Commission to report periodically to the Virginia State Crime Commission and the courts committees and money committees of the House and Senate on the caseload of each public defender office.

SB 1168 Detention center incarceration program; shall not be in addition to an active sentence.

See summary for HB 2114, which is identical.

SB 1217 Gangs; punishment for activity taking place in school, etc., penalty.

See summary for HB 2217, which is identical.

SB 1223 Speed limits; maximum on Routes 29 and 460.

Amends § 46.2-870 to provide that the maximum speed limit will be 60 miles per hour where indicated by lawfully placed signs, erected subsequent to a traffic engineering study, on U.S. Routes 29 and 460 where they are nonlimited access, multilane, divided highways.

SJ 273 Prisoners; program for reentry to society.

Establishing a joint subcommittee study of the Commonwealth's program for prisoner reentry to society, with its work to include identifying and developing strategies to address key needs and overcome barriers for offenders with the goal of reducing reincarceration and increasing social adaptation and integration into their communities.

Transportation

HB 1501 License plates, special; issuance.

Amends, adds and repeals §§ in Title 46.2 to authorize the issuance of special license plates for various recipients including special license plates bearing the seal, symbol, emblem, or logotype of counties, cities, and towns.

HB 1723 Peninsula Ports Authority; qualifications of appointees.

Amends § 4, as amended, of Chapter 46 of the Acts of Assembly to allow appointment to the commission of the Peninsula Ports Authority of persons who are nonresidents of the localities embraced within the authority provided they have a principal place of business within one of those localities. SB 903 is identical.

HB 1749 Special license plates; expired authorizations.

Amends and repeals §§ in Title 46.2 to repeal authorization for issuance of a number of special license plates that have failed to meet the deadline for receipt of the minimum number of prepaid applications including Town of Occoquan, Town of Smithfield, City of Salem, City of Portsmouth and retired law-enforcement officers.

HB 2019 License plates, special; local government commemorative plates.

Amends and adds §§ in Title 46.2 to provide a mechanism whereby commemorative license plates for local government anniversaries can be issued without specific General Assembly authorization for each separate series of plates. Also places conditions on when entities may seek authorization of special license plates.

HB 2020 Highway repairs; use of steel plates.

Adds § 33.1-223.2:14 to require any person who uses steel plates in connection with highway repairs to follow VDOT standards as to warnings and markings.

HB 2084 Highway construction, maintenance, & improvmt.; Comm. to let all Dept. of Transportation contracts.

Amends § 33.1-12 to clarify that the Commonwealth Transportation Board is responsible for letting contracts administered by the Virginia Departments of Transportation or Rail and Public Transportation, thus clarifying the roles of local governments and the state when localities administer VDOT-financed projects. The Board also shall ensure that the total funds allocated to any highway construction project, except for debt service apportionment, are equal to total expenditures within 12 months following completion of the project.

HB 2418 Speed limits; definition of in residence and business districts.

Amends §§ 46.2-100 and 46.2-874 to include residential subdivisions and territory zoned residential in the definition of residence district for purposes of Title 46.2 (Motor Vehicles). The bill also excludes nonlimited access highways with four or more lanes and primary highways located in residence districts from having 25 miles per hour speed limits.

HB 2434 Motor vehicle safety inspection stations; garage liability insurance.

Amends § 46.2-1166 to exempt "private" inspection stations that inspect only company-owned or leased or government-owned or leased vehicles from the requirement that inspection stations carry at least \$500,000 garage liability insurance coverage.

HB 2435 Motor vehicles; notice of impoundment.

Amends § 46.2-301.1 to remove the requirement that the officer who impounds a car shall serve notice of the impoundment to the Commissioner of DMV.

HB 2554 I-81 Safety Taskforce; created.

An Act to require that the Commonwealth Transportation Commissioner establish an Interstate Route 81 Safety Advisory Committee within each highway construction district wherein any portion of Interstate Route 81 is located.

HB 2575 Overweight permits; issuance to trucks hauling products produced from gas or oil wells.

Amends § 46.2-1143 to apply certain coal truck weight limits to motor vehicles hauling liquids produced from a gas or oil well and water used for drilling and completion of a gas or oil well no more than 50 miles from origin to destination in counties that impose a severance tax on coal and gases.

HB 2596 Rail Enhancement Fund; portion of tax on motor vehicle rentals to be deposited therein.

Amends and adds §§ in Title 33.1 and amends § 58.1-2425 to establish the Rail Advisory Board and changes the name of the Railway Preservation and Development Fund to the Rail Enhancement Fund, and dedicates to this Fund a portion of the tax on motor vehicle rentals.

HB 2763 Transportation projects; removes certain designated as funded from Priority Transportation Fund.

An Act to authorize the Commonwealth Transportation Board, by and with the consent of the Governor, to issue from time to time revenue obligations of the Commonwealth, provided that the aggregate principal amount outstanding at any time shall not exceed \$1.2 billion plus an amount for financing expenses. The net proceeds of these revenue obligations shall be used exclusively for the purpose of providing funds, together with any other available funds, for paying the costs, incurred or to be incurred for construction or funding of projects listed in the Six-Year Improvement Program as may be adopted from time to time by the Commonwealth Transportation Board.

HB 2793 Transportation Partnership Opportunity Fund; created.

Adds § 33.1-221.1:8 to create the Transportation Partnership Opportunity Fund to be used by the Governor to encourage the development of design-build transportation projects, projects under the Public-Private Transportation Act (§ 56-556 et seq.) and to provide funds to address the transportation aspects of economic development opportunities.

HJ 551 Reduction in highway noise abatement costs.

Establishing a joint subcommittee to conduct a two-year study to identify materials, technologies, techniques, actions, and strategies related to both highway planning and construction in order to identify those that will provide the greatest amount of noise abatement for the lowest cost, and the situations in which each of them may best be employed.

HJ 689 Toll collections.

Directing the Joint Commission on Technology and Science study of technologies available for cost-effective toll collection.

HJ 709 I-81; multi-state transportation planning initiative.

Memorializing the Congress of the United States to encourage the states involved to establish the Interstate Route 81 Corridor Multistate Transportation Planning Initiative. SB 778 is identical.

SB 778 Interstate Route 81 Corridor Multistate Transportation Planning Initiative; created.

See summary for HJ 709, which is identical.

SB 813 Logo sign program; fee shall be collected by Transp. Comm. from entity for purpose of participating.

An Act to require the Commonwealth Transportation Board (CTB) to establish reasonable fees to be collected from qualified entities for participating in the Integrated Directional Sign Program (IDSP). These fees are to be deposited into a special fund used solely to defray the actual costs of supervising and administering the program.

SB 815 Toll facilities; use of photo-monitoring systems.

Amends § 46.2-819.1 to authorize "photo toll" facilities to record images of all vehicles whose operators choose to use the facilities and bill the registered owners of vehicles as to which no toll is paid, prior to pursuing other remedies. This bill also allows operators to charge an administrative fee of up to \$25 when collecting unpaid tolls.

SB 842 Highway construction; access roads and bikeways to historic sites.

Amends §§ 10.1-107 and 33.1-223 to involve the Director of the Department of Historic Resources in the Commonwealth Transportation Board's decision on construction and maintenance of access roads and bikeways to historic sites.

SB 903 Peninsula Ports Authority; appointment to commission.

An Act to allow appointment to the commission of the Peninsula Ports Authority of persons who are nonresidents of the localities embraced within the authority provided they have a principal place of business within one of those localities.

SB 985 Highway construction; advance of funds by counties.

Amends § 33.1-75.3 to provide that if funding for the construction of a primary or interstate project is scheduled in the Commonwealth Transportation Board's Six-Year Improvement Program as defined in § 33.1-12, a locality may choose to advance funds to the project. If such an advance is offered, the Board may consider such request and agree to such advancement in accordance with terms agreed upon by the Board and the locality.

SB 1016 Overlength trucks; prohibits on certain highways.

Amends § 46.2-1112 to provide that any person operating an overlength vehicle on a two-lane highway where passing is permitted is guilty of a traffic infraction and fined \$250.

SJ 330 Towing and recovery industry.

Establishing a joint subcommittee study of regulation by the Department of Professional and Occupational Regulation of the vehicle towing and recovery industry.

Weapons & firearms

HB 1671 Firearms; prohibits person carrying on any part of highway.

An Act to repeal a 1950 Act of Assembly that prohibited a person who is not authorized to hunt on private property on both sides of a highway from carrying a loaded firearm while on any part of the highway. This act applies in any county falling under certain population classifications. A person violating this act is subject to a fine of between \$10 and \$50. The act is no longer needed because the language of § 15.2-1209.1 is substantively the same, except the statute gives all counties the discretion of adopting an ordinance, while the uncodified act gives these counties no such discretion.

HB 1915 Weapons; definition of firearms prohibited in public.

Amends § 18.2-287.4 to rewrite the prohibition against carrying certain loaded semi-automatic rifles or pistols and shotguns in public in certain localities to delete the definition of "firearm" and replace it with the existing substance of the definition. The bill also clarifies that the prohibition does not apply to a person who has a valid concealed handgun permit.

HB 1917 Hunting; clarifies carrying a gun on Sunday.

Amends § 29.1-521 to clarify that a person lawfully carrying a gun, firearm, or other weapon on Sunday in an area that could be used for hunting will not be presumed to be hunting on Sunday in violation of existing law.

HB 2060 Firearms; exempts law-enforcement officers from limit of purchasing one per 30-day period.

Amends § 18.2-308.2:2 to exempt law-enforcement officers from the provision limiting a person from purchasing more than one handgun in a 30-day period.

HB 2130 Law-enforcement officers; certain allowed to purchase service handgun

Amends § 59.1-148.3 to allow certain law-enforcement agencies to sell service handguns to its current law-enforcement officers when the agency has purchased new service handguns and the handguns subject to sale are no longer used in the course of duty.

HB 2273 Hunting; prohibits device that remote controls firearms, etc.

Adds § 29.1-530.3 to prohibit anyone from engaging in computer-assisted remote hunting, or provide or operate a facility that allows a person to engage in such "hunting." Violations are Class 1 misdemeanors and will result in revocation of any hunting license for between three and five years. SB 1083 is identical.

HB 2535 Firearms; school property.

Amends § 18.2-308.1 to allow the holder of a valid concealed handgun permit to possess a concealed handgun on school property while in a motor vehicle in a parking lot, traffic circle, or other means of vehicular ingress or egress to the school.

HB 2665 Concealed weapons; allows retired local auxiliary police and animal control officers to carry.

Amends § 18.2-308 to allow retired local auxiliary police officers and animal control officers to carry concealed weapons, subject to certain conditions.

HB 2683 Firearm shows; notification to State Police and local law-enforcement.

Amends § 54.1-4201.1 to eliminate the requirement that gun show promoters provide a list of vendors and exhibitors to the State Police and the sheriff or chief of police of the locality in which the show will be held 72 hours prior to a show. Gun show promoters will still be required to provide law enforcement with at least 30-days' notice of any show. The bill also changes from 72 hours to five days the time within which the promoter must send the vendor and exhibitor list after the show and would allow a promoter to send that list via email.

HB 2741 Populated areas; prohibits shooting of arrows from bows.

Amends § 15.2-1209 to add the outdoor shooting of arrows from bows to existing provisions that allow counties to prohibit the shooting of firearms in heavily populated areas. Bows intended to be used as toys are excluded from the provisions.

HB 2928 Concealed weapons permit; disqualifies person using negligently or unlawfully to endanger others.

Amends § 18.2-308 to amend the provision disqualifying a person from receiving a concealed handgun permit on the basis of a written statement of a sheriff, chief of police, or attorney for the Commonwealth alleging that the applicant is likely to use the weapon in an unlawful or negligent manner to provide that in order to disqualify the applicant, the court must find by a preponderance of the evidence, based on specific acts by the applicant, that the applicant is likely to use a weapon unlawfully or negligently to endanger others.

HB 2931 Firearms; applicant purchasing to provide specified information for required background check.

Amends §§ 18.2-308.2:2 and 54.1-4201 to eliminate the requirement that a person who wishes to purchase a firearm fill out duplicate information on the form required by the Department of State Police as is required on the federal firearm purchase application form. Instead, the applicant will be required to provide written consent for a background check on a state form, and provide certain specified information necessary for the Department of State Police to complete the required background check. In addition, the bill allows the chief law-enforcement officer of a locality, in the course of a criminal investigation, to examine both federal and state firearm transaction records maintained by a licensed firearms dealer in the Commonwealth.

SB 1083 Hunting; prohibits device that remote controls firearms, etc.

See summary for HB 2273, which is identical.

SB 1149 Hunting; unlawful to hunt with firearm, bow and arrow, etc. while intoxicated.

Amends § 18.2-285 to increase the penalty for hunting with a firearm while under the influence of alcohol or narcotic drug from a Class 2 to a Class 1 misdemeanor. The bill also includes within such prohibited hunting the hunting with bow and arrow or crossbow.

SB 1150 Hunting; reporting of accidents, penalty.

Adds § 29.1-530.3 to require any law-enforcement agency or emergency medical service provider that receives a report that a person engaged in hunting has suffered serious bodily injury or death to give notice to the Department of Game and Inland Fisheries.

SJ 393 Firearms hunting ordinances.

Continues the 2004 study requesting the Department of Game and Inland Fisheries to study local firearms hunting ordinances. The agency was requested to examine how these ordinances can be made more uniform and consistent across the Commonwealth, with particular attention paid to the development and use of model ordinances that would lead to an easier understanding by the public of the hunting laws.

Charters & legislation of limited application

HB 1499 Solid waste; Town of Tangier.

Amends § 10.1-1454.1 to authorize the Director of the Department of Environmental Quality to grant Town of Tangier variances from the regulations that govern the commercial transportation of solid waste on Virginia waters. SB 1176 is identical.

HB 1685 School property; allows local school boards to sell for transportation purposes.

Amends § 22.1-129 to empower the Virginia Beach school board to sell property to the Virginia Department of Transportation or the Commonwealth Transportation Commissioner when the Commissioner has determined that (i) such conveyance is necessary and (ii) when eminent domain has been authorized for the construction, reconstruction, alteration, maintenance, and repair of the public highways of the Commonwealth, and for all other purposes incidental thereto, including the relocation of public utilities.

HB 1779 Charter; City of Danville.

An Act to amend the City of Danville's Charter to provide for the direct election of school board members and update several obsolete Code references. SB 729 is identical.

HB 1843 Activities of former officials & employees; Charlottesville.

Amends § 15.2-1408 to add Charlottesville to those localities that may place limits on the activities of former officers and employees for one year after their service has ended. SB 957 is similar but uses specific names instead of population brackets to identify the localities affected.

HB 1857 Transient occupancy tax; Arlington County.

Amends § 58.1-3822 to extend the time during which Arlington County may collect an additional transient occupancy tax of one-fourth of one percent to January 1, 2009. Current law would end the collection of the additional tax on January 1, 2006.

HB 1899 Charter; Town of New Castle.

An Act to extend council terms from two to four years beginning with the election to be held in 2006. SB 1068 is identical.

HB 1923 Handley Board of Trustees; terms of office in City of Winchester.

An Act to decrease from 12 to six years the term for members of the Handley Board of Trustees. The board was created in 1896 for the purpose of carrying out the wishes of the late John Handley. Emergency.

HB 1943 Staunton Correctional Center; Governor to sell and convey.

An Act to authorize the Governor to convey the former Staunton Correctional Center to the Staunton Industrial Authority without consideration. SB 1015 is identical.

HB 1965 Transient occupancy tax; Prince George and Craig County.

Amends § 58.1-3819 to add Craig County and Prince George County to the list of counties that may levy the transient occupancy tax at a rate of five percent, with the revenues collected from that portion of the tax over two percent designated and spent solely for tourism, marketing of tourism or initiatives that, as determined in consultation with the local tourism industry organizations, attract travelers to the locality and generate tourism revenues in the locality.

HB 1968 Parking; allows Fairfax County and towns within its boundaries to regulate.

Amends § 46.2-1224 to grant counties with populations of more than 500,000 and the towns within those counties expanded powers to regulate parking of large, heavy vehicles within their boundaries.

HB 1972 Northern Virginia Transportation District Program; Loudoun County.

Amends §§ 33.1-221.1:3 and 58.1-815.1 to allocate funding to the Route 28/Sterling Boulevard interchange in Loudoun County.

HB 2007 Transient occupancy tax; imposition in Carroll County.

Amends §§ 58.1-3819 and 58.1-3833 to add Botetourt, Halifax, Patrick, Pulaski, Wise and Carroll County to the list of counties that may levy the transient occupancy tax at a rate of up to five percent, with the revenues collected from that portion of the tax over two percent to be spent on tourism, and to add Montgomery County to the list of counties authorized to levy by ordinance a meals tax of up to 4 percent. The meals tax authority does not affect any taxing

authority granted towns, and the county tax does not apply in any towns that levy the tax that are located in the county.

HB 2063 County manager plan; Arlington County application processing fee.

Amends § 15.2-743 to add encroachments to those items for which a county with the county manager plan of government (Arlington County) may charge an application processing fee. SB 1074 is identical.

HB 2072 Charter; Town of Halifax.

An Act to provide for the mayor and council members to take office on July 1 following their election, instead of September 1, as currently provided.

HB 2169 Charter; City of Winchester.

An Act to reduce the size of city council from 13 to 9 members; changes the election from May to November. Other changes will alter the budget cycle and clarify the instances and manner in which council members may contract with the city for purchases. Emergency.

HB 2176 Charter; Town of Stanley.

An Act to shift council elections from May to November and deletes outdated provisions.

HB 2210 Charter; City of Waynesboro.

An Act to repeal the current city charter and replaces it with a new one. Most changes are organizational and technical in manner. Revises the city budgeting schedule and removes archaic debt limit. SB 1007 is identical.

HB 2249 Highways, distribution of materials.

Amends § 46.2-931 to allow the Town of Vienna by ordinance to prohibit or regulate (i) the distribution of handbills, leaflets, bulletins, literature, advertisements, or similar material to, (ii) the solicitation of contributions from, and (iii) the sale of merchandise to the occupants of motor vehicles on highways. (The same authority is granted to the town in SB 710.) The bill also allows Albemarle and Greene Counties by ordinance to prohibit or regulate (i) the distribution of handbills, leaflets, bulletins, literature, advertisements, or similar material to, (ii) the solicitation of contributions from, and (iii) the sale of merchandise to the occupants of motor vehicles on public roadways and medians.

HB 2298 Mennel Milling Company; conveyance of land in Roanoke County.

An Act to authorize the exchange of land in Roanoke County between the Commonwealth and the Mennel Milling Company, with the land to be acquired by the Commonwealth to be used as a VDOT maintenance facility. SB 887 is identical. Emergency.

HB 2406 Charter; Town of Coeburn.

Amends § 3.1 to prohibit party affiliation identification on town council ballots.

HB 2475 Charter; Town of Lovettsville.

An Act to eliminate the requirement that the town clerk be a resident of the town.

HB 2492 Charter; City of Fairfax.

An Act to delete starting time for the council organizational meeting, and grants the city attorney power to prosecute in the courts of the Commonwealth of Virginia all violations of law constituting misdemeanors and traffic violations committed within the city, whether violations of city ordinances or the laws of the Commonwealth. SB 994 is identical.

HB 2527 District and circuit courts; jurisdiction lying on waterways does not apply to city of Richmond.

Amends §§ 16.1-69.29 and 17.1-516 to provides that district and circuit courts for counties and cities lying on waters bounding the Commonwealth have concurrent jurisdiction over the waters opposite the jurisdiction as far as the jurisdiction of the Commonwealth extends, to provide that it applies to the City of Norfolk. Under current law the cities of Norfolk and Richmond are the only jurisdictions to which the provision does not apply. SB 1180 is identical.

HB 2532 Code enforcement; use of volunteers to enforce.

Amends § 15.2-1132 to add the City of Portsmouth to the list of localities that may use volunteers to help enforce certain local ordinances. SB 1062 is identical.

HB 2582 Alcoholic mixed beverages; licenses for certain properties in Washington County.

Amends § 4.1-126 to authorize the Alcoholic Beverage Control Board to grant mixed beverage licenses to two properties located in Washington County. SB 1151 is identical.

HB 2618 Charter; City of Manassas Park.

An Act to update election provisions. Emergency.

HB 2639 Medical care facilities certificate of public need; new nursing home beds.

An Act to require the Commissioner of Health to reissue a Request for Applications for 60 new nursing home or nursing facility beds in Planning District 12 when the scheduled construction date has passed, the company issued a certificate pursuant to a 1997 Request for Applications has not begun construction, and the certificate has expired. The Commissioner may give preference to an application that proposes a new facility within three miles of the boundary of the county seat or in the county seat of the county in which the nursing facility granted the previously-issued certificate is located.

HB 2692 Northern Neck Chesapeake Bay Public Access Authority Act; created.

Adds §§ 15.2-6626 through 15.2-6651 to allow the Counties of Lancaster, Northumberland, Richmond and Westmoreland by resolution to form the Northern Neck Chesapeake Bay Public Access Authority in order to grant the public better access to the waters in the counties.

HB 2738 Charter; City of Richmond.

An Act to grant the mayor new powers, including veto authority over certain budget and fiscal measures and the ability to participate in the appointment of, assignment or use of and removal of department heads. Other amendments will change the title of the vice mayor to president of the council; grant the mayor additional appointment powers; and make other technical changes.

HB 2739 Charter; City of Norfolk.

An Act to provide that The City of Norfolk shall be divided into five single-member wards and into two single-member superwards. Also, beginning in 2006, the mayor shall be elected at-large. The mayor shall preside at meetings of the council and perform such other duties consistent with his office as may be imposed by the council. He shall be entitled to a vote, but shall possess no veto power. He shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for military purposes. SB 1174 is identical.

HB 2740 Wine and beer; licenses granted to food concessions at any outdoor facility in Henrico County.

Amends § 4.1-209 to authorize the granting of a retail on-premises wine and beer license to persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility which has capacity for more than 9,500 persons and is located in any county operated under the county manager form of government (Henrico County).

HB 2756 Charter; Town of Onley.

An Act to provide a new charter for the town and repeals the existing charter, adopted in 1950. SB 1175 is identical.

HB 2810 Drug Treatment Court Act; includes City of Chesapeake.

Amends § 18.2-254.1 to establish a drug treatment court in Chesapeake. SB 1342 is identical.

HB 2878 Underground relocation of high voltage power lines; special assessments in Loudoun County and certain towns therein.

Amends § 15.2-2404 to provide that in Loudoun County and the Towns of Hamilton, Leesburg, and Purcellville, the governing body may enter into an agreement with a company providing electricity to the locality that calls for an additional charge to be included in the billing of customers that are in a special rate district for the purpose of placing proposed transmission lines underground, rather than overhead. The locality shall set the boundaries of the district and fix the amount of the tax. Thereafter, upon petition of over 60 percent of the owners of real estate within the boundaries of the proposed special rate district who shall collectively own not less than 60 percent of the property of the proposed special rate district, the agreement shall be submitted to the SCC for approval.

HB 2891 Board of Corrections to convey certain property.

An Act to authorize the Board of Corrections to convey certain property in its custody to the Town of Marion without consideration.

SB 710 Motorists; prohibits certain activities on highways in Town of Vienna.

Amends § 46.2-931 to grant the Town of Vienna the same powers presently enjoyed by Arlington and Henrico Counties to ban distribution of materials to and soliciting contributions from motorists on highways. HB 2249 grants the town the same authority, but is not an identical bill.

SB 729 Charter; City of Danville.

See summary for HB 1779, which is identical.

SB 777 Arts and cultural districts; includes Falls Church, Petersburg and Winchester.

Amends § 15.2-1129.1 to add the cities of Falls Church, Petersburg, and Winchester to the list of localities that may establish an arts and cultural district.

SB 783 Electrical transmission lines; location underground in certain localities.

An Act to require the State Corporation Commission to analyze the implications of a requirement that, when considering a request for approval of the construction of an electrical transmission line in a city or county with a population of over 225,000, the Commission consider imposing a condition that the line be located underground, if requested by the governing board of the locality.

SB 822 Headlights; allows emergency vehicles to flash after dark in certain localities.

Amends § 46.2-1029.1 to make permanent the temporary authorization for emergency vehicles in Chesapeake, Portsmouth, Poquoson, and York County to flash their headlights after dark.

SB 874 Annual debt limitations; includes City of Chesapeake.

Amends § 58.1-3245.4:1 to provide that local tax increment financing obligations issued by the City of Chesapeake shall not be included for purposes of any annual debt limitation set forth in the city's charter. The bill also makes a technical change by deleting a population bracket and replacing it with the City of Virginia Beach.

SB 887 Mennel Milling Company; conveyance of land in Roanoke County.

See summary for HB 2298, which is identical. Emergency.

SB 957 Former officials & employees; adds City of Charlottesville to localities that may limit activities.

See summary for HB 1843, which is similar.

SB 994 Charter; City of Fairfax.

See summary for HB 2492, which is identical.

SB 1007 Charter; City of Waynesboro.

See summary for HB 2210, which is identical.

SB 1015 Staunton Correctional Center; Governor to sell and convey.

See summary for HB 1943, which is identical.

SB 1062 Code enforcement; use of volunteers to enforce.

See summary for HB 2532, which is identical.

SB 1068 Charter; Town of New Castle.

See summary for HB 1899, which is identical.

SB 1074 County manager plan; adds items for which Arlington County may charge application processing fee.

See summary for HB 2063, which is identical.

SB 1075 Zoning; transfer of development rights.

Adds § 15.2-750 to allow Arlington County (by governmental form) to provide in its zoning ordinances for the dedication of density or other rights to develop real property from one or more parcels of property located in the county that are not the subject of a development application to other property in the county that are the subject of a development application. The provisions expire on July 1, 2008, if no ordinance is adopted by then.

SB 1113 Clarksville-Boynton Airport Commission; created.

An Act to allow the towns of Boynton and Clarksville to create an airport commission with powers typical of other airport commissions.

SB 1151 Alcoholic mixed beverages; licenses for certain properties in Washington County.

See summary for HB 2582, which is identical.

SB 1174 Charter; City of Norfolk.

See summary for HB 2739, which is identical.

SB 1175 Charter; Town of Onley.

See summary for HB 2576, which is identical.

SB 1176 Solid waste; Town of Tangier.

See summary for HB 1499, which is identical.

SB 1180 District and circuit courts; jurisdiction lying on waterways does not apply to city of Richmond.

See summary for HB 2527, which is identical.

SB 1230 Utility assessments; list of localities that may charge entire cost of utility improvements.

Amends § 15.2-2406 to add the City of Chesapeake to the list of localities that may charge to abutting property owners the entire cost of qualifying utility improvements.

SB 1312 William and Mary, College of; conveyance of certain property in City of Williamsburg.

An Act to authorize The College of William and Mary, with the approval of the Governor and in a form approved by the Attorney General, to exchange certain real estate within the City of Williamsburg.

SB 1342 Drug Treatment Court Act; includes City of Chesapeake.

See summary for HB 2810, which is identical.